

Accordingly, pursuant to section 4 of the Administrative Procedure Act, notice is hereby given that a public hearing will be held commencing at 9:30 a.m., Thursday, April 9, 1964, in the Auditorium, Freer Gallery of Art, 12th Street and Jefferson Drive SW., Washington, D.C. A second session of the hearing will be held commencing at 9:30 a.m., Thursday, April 16, 1964, in Memphis, Tennessee, at a place to be designated at a later date. The Chief Hearing Examiner of the Department will preside at such hearing.

Representatives of interested Federal, State and local agencies and all other interested persons are invited to present any views, facts or arguments relating to this matter either orally or in writing at such hearing. All information submitted pursuant to this notice will be made available to the public and the press.

Done at Washington, D.C., this 1st day of April 1964.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-3272; Filed, Apr. 1, 1964;
10:12 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 385]

[Docket Nos. 11618, 11785]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS; AND DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION: NON-HEARING MATTERS

Notice of Proposed Rule Making

MARCH 27, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration a revision of Part 221 of the Economic Regulations (14 CFR Part 221) and Part 385 of the Organization Regulations (14 CFR Part 385).

The principal features of the proposed amendments are described in the Explanatory Statement below and the proposed rule changes are set forth in the proposed rules below. The amendments are proposed under the authority of sections 204(a), 403 and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, 788; 49 U.S.C. 1324, 1373, 1481) and Reorganization Plan No. 3 of 1961 (75 Stat. 837, 49 U.S.C. 1324 note).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant material in communications received on or before May 1, 1964, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut

Avenue NW., Washington, D.C., upon receipt thereof by the Board.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement—Introduction. Part 221 of the Board's Economic Regulations, 14 CFR Part 221, contains the Board's rules and regulations pertaining to the publishing, filing and posting of tariffs. It became effective in its present form on July 1, 1954, and since then has been amended in certain respects. It was believed in 1954 that tariffs then in effect which were inconsistent with the new regulation would be revised and amended from time to time and that compliance of all tariffs with Part 221 would be achieved by a gradual process within a reasonable period without the necessity of imposing a time limit. Experience prior to 1960 showed that this was accomplished only in part. Accordingly, the Board, in EDR-15, Docket 11618, dated July 12, 1960 (25 F.R. 6704), issued a notice of proposed rule making in which a rule was proposed requiring air carriers and foreign air carriers to bring all effective tariffs into compliance with Part 221 by February 1, 1961.

In response to this notice numerous comments were received by the Board suggesting many changes in and modifications of Part 221. In addition, the Board received a petition for rule making (Docket 11785) urging that it (1) institute a rule making proceeding with a view toward revising Part 221; (2) consolidate such a proceeding with Docket 11618, supra; (3) indefinitely postpone the effective date of EDR-15; (4) request comments within 90 days as to desirable changes to Part 221; (5) authorize a joint conference between air carrier representatives and members of the Board's staff to discuss proposed amendments to and modifications of Part 221; and (6) issue a notice of proposed rule making incorporating acceptable modifications of and amendments to Part 221 and establishing a specific date when all effective tariffs must be brought into compliance with the revised Part 221.

In view of the foregoing petition, the Board gave the carriers a period of 90 days for submitting additional specific recommendations on changes in and modifications of Part 221, and authorized members of the Board's staff to meet with industry representatives to discuss such changes and modifications. A document containing the joint proposals of 27 air carriers and foreign air carriers to amend Part 221 was filed with the Board. Subsequently, a document containing the joint proposals of 14 air freight forwarders was also filed.¹ Following receipt of these documents, meetings were held between representatives of the industry and the Board's staff at which the various proposals were considered.

After consideration of all documents, views and comments presented in this rule making proceeding, the Board has concluded that it should issue a notice of proposed rule making proposing the attached amendments to Part 221.

¹ Documents were also filed by World Tariffs Corp. and Emery Air Freight Corp.

These amendments are designed to accomplish the following basic objectives:

1. Simplify the presentation of tariff material.
 2. Update the regulations in the light of changed conditions in the air carrier industry.
 3. Reduce the cost of publishing tariff material consistent with clear and explicit publication.
 4. Remove ambiguities from the present regulations.
 5. Require that currently effective tariffs and tariff amendments shall be brought into compliance with Part 221 not later than September 30, 1964.
- In addition to the proposals to amend Part 221, there are attached hereto collateral proposed amendments to Part 385 of the Board's Organization Regulations relating to the review of action taken under delegated authority, and the placing of minor limitations on the rejection power under delegated authority.
- There follows a discussion of the specific proposed amendments to Parts 221 and 385 along with the more significant evident suggestions which we have not adopted.

Economic Regulations—Rejection of tariff publications—Special Tariff Permission to correct page cancellation. Occasionally a revised page bears incorrect page cancellation, and fails to indicate that it was issued in lieu of the rejected preceding issue of the same page, because it was prepared and transmitted for filing before the issuing carrier or agent had received the Board's notice of rejection of the preceding issue. Under the proposed rule, this circumstance would constitute good cause for granting Special Tariff Permission in order to make the correction effective on the effective date of the revised page containing the incorrect page cancellation. (See § 221.190(b)(3), *infra*.)

Special problems—Credit rules. It is proposed to amend the regulation to permit a carrier to extend credit for the fares and rates applicable to through transportation performed by the issuing carrier in conjunction with connecting carriers, notwithstanding that such through transportation is subject to a combination of separately established local fares or rates of the respective carriers. (See § 221.38(i)(2), *infra*.)

Routing—Use of maps in tariff routing. The current regulation (§ 221.41(a)(3)) permits the use of maps as a temporary expedient in describing the route over which each fare or rate applies. The industry proposes that the regulation be amended to authorize their use on a permanent basis. We would modify the regulation to permit the use of maps for this purpose on an experimental basis with the view of eventually granting permanent permission if the use of maps for routing proves to be satisfactory. (See § 221.41(a)(3), *infra*.)

Routing restrictions. The increase in the classes of service and widespread use of jet aircraft in addition to propeller aircraft have resulted in a constantly increasing number of passengers making "combination journeys," that is, travel by various combinations of classes of service and/or different types of aircraft

on the same journey (for example, first-class service in jet aircraft over one segment of the journey and coach service in propeller aircraft over the remaining segment). To facilitate the publication of through one-factor fares for such transportation, the proposed amendment would permit showing in the routings the class of service and type of aircraft designations when the fares subject to such routing apply via different classes of service and/or on different types of aircraft over different segments of the routing from point of origin to point of destination. This practice is not permitted under the existing regulation. (See § 221.41(b)(2), *infra*.)

Diagrammatic and "open routing" in tariff publications. The industry requested permission to publish cargo tariffs as "open routing" tariffs, i.e., a tariff which does not show individual routings between respective origin and destination points. Such a tariff would contain a general routing rule that the rates will apply via any interchange points and via any participating carrier or combinations of participating carriers shown as serving the desired origin, interchange and destination points in the tariff's index of points, subject to specific restrictions that might be applicable to participating carriers.

In support of their position, the carriers suggest that the primary advantage of an "open routing" tariff is the increased flexibility of operations afforded the carriers. Under the present regulation (§ 221.41(a)) a carrier publishing joint rates must identify the carriers performing the transportation and the interchange points and, in some instances, the intermediate points en route as well. However, shippers are generally not concerned with the particular routing on which the shipment is dispatched so long as it is accorded swift service. Freight is as a rule accepted without any binding specification on the carrier as to which flight will be employed between origin and destination of the shipment. A particular shipment consisting of many individual packages may be moved on two or more flights, depending on the availability of space and the size and shape of the packages, and the various flights may be operated via different intermediate points. An "open routing" tariff would benefit the carrier in that the routing options available to it would not be limited to a certain number of published point-to-point routings and this flexibility should result in more efficient air transportation.

However, the use of open routing is a substantial departure from our present method of publishing tariffs. It will provide the user with considerably less information regarding the details of the routing of the cargo than he is now entitled to under the regulation. Further, it might produce complexities resulting from the necessity of providing for exceptions and restrictions to the "open routing" tariffs. Moreover, there may be problems with respect to duplicating or conflicting rates which are prohibited by § 221.60 of the existing regulations and with respect to complying with other requirements of Part 221. Nevertheless, in

spite of these foreseeable problems, we will permit an "open routing" rate tariff on an experimental basis for two years.

The permission to use "open routing" in tariff publications will, however, be granted upon the following conditions: (1) the rate tariff must contain an index of points of origin and destination; (2) all exceptions to the "open routing" rule shall be set forth as "Routing Exceptions" and identify the rates to which they apply; (3) the tariff shall not contain rates which are subject to (a) provisions for stopping in transit at intermediate points or (b) any other provisions which require determining the intermediate points between the origin point and the destination point of a rate; and (4) the tariff containing the "open routing" rule shall expire within two years from the effective date of Revised Part 221.

As an alternate to the "open routing" tariffs in the case of joint rates between United States points, on the one hand, and foreign points, on the other hand, we propose to permit for an indefinite period the showing of routings by the use of routing diagrams (and accompanying routing charts) similar to those now published under waiver in a number of tariffs. These routing diagrams and charts will identify the interchange points and the participating carriers between the respective points. Moreover, for those portions of joint routings between foreign interchange points, and between foreign interchange points, on the one hand, and foreign points of origin and destination, on the other hand, the diagram may contain a provision stating that the transportation between any two such points designated consecutively in the routing diagram will be via any single carrier shown as serving both points in the tariff's index of points.

We are also providing for (1) an "emergency routing rule" to protect the tariff rate when the carrier deviates from tariff routing because of emergency conditions; and (2) the inapplicability of the routing requirements of § 221.41 with respect to air freight forwarders.

See § 221.41, *infra*.

Selling tariffs. Many carriers maintain two fares tariffs for the same international passenger service. One tariff is filed with the Board. The other is a memorandum or "selling" tariff which is not filed with the Board and differs from the filed tariff in the manner in which the fares and routings are published. When selling international passenger transportation, the carriers determine the applicable fares from the "selling" tariffs and not from the filed tariffs. Industry seeks to eliminate this dual tariff system and to maintain only one tariff to be both filed with the Board and used for selling purposes. They desire, however, to retain certain features of the "selling" tariff which would not conform with current regulations. The staff and industry committees agreed upon a four-step approach in which industry will first develop a sample tariff format to be submitted to the Tariffs Section for examination and discussion with industry representatives with the view of agreeing to an acceptable tariff to be issued under waiver for a trial period. If it proves

satisfactory, consideration will then be given to revising the regulations to authorize such publication on a permanent basis. The Tariffs Section has been instructed to implement this procedure.

Concurrence or power of attorney. Under current regulations, a tariff may be published and filed with the Board for and on behalf of participating carriers named therein only when the participating carriers have authorized the issuing carrier or agent to effect such publication and filing. Such authorization must be in the prescribed form of concurrence when the tariff is issued by a carrier and in the prescribed form of power of attorney when the tariff is issued by an agent, and executed copies thereof must be filed with the Board before or at the time of filing the first tariff publications thereunder.

Industry proposes that we dispense with the issuance and filing of a concurrence or power of attorney when the participating carrier involved is a foreign carrier who does not operate to or from any United States point and holds no permit or other operating authorization from the Board. Industry alleges that concurrences or powers of attorney issued by non-permit foreign carriers serve no useful purpose on the grounds that the United States has no jurisdiction over such carriers, and that the publication and filing of joint rates and fares to or from the United States have been delayed for long periods by reason of the difficulty of obtaining the required authorization from non-permit foreign carriers.

To discard this procedure would pose a risk to the traveling and shipping public and the Board that the non-permit foreign carrier would not consider itself bound by the rates, fares, and governing provisions set forth in the tariffs filed on its behalf with the Board. This in turn could cause real harm to the shippers and passengers directly resulting from representations in tariffs filed with the Board. We recognize that compliance with the existing regulation may inconvenience the carriers in requiring them to spend considerable time and effort in securing powers of attorney and/or concurrences from non-permit foreign carriers. However, this procedure provides some assurance to the Board that the tariff will be protected by such carriers. In the absence of a willingness by the issuing carriers to guarantee the performance of the non-permit carriers, we will reject the proposal to dispense with concurrences and powers of attorney.

Exception ratings to general commodity rates. Under current regulations, a carrier maintaining general commodity rates can provide exceptions thereto only by publishing specific commodity rates either in the form of percentages of the general commodity rates or as rates in dollars or cents per specific unit, e.g., per 100 pounds. Percentage specific commodity rates are required currently to apply from and to substantially all points for which general commodity rates are provided in the tariff. This generally precludes publishing specific commodity rates in dollars or cents on the same commodity since conflicting rates would result in the absence of any provision

that specific commodity rates stated in dollars or cents take precedence over specific commodity rates stated as percentages. The current regulation does not permit such statement of precedence. We propose to amend the regulation to eliminate permission to publish specific commodity rates as percentages of general commodity rates and, in lieu thereof, to permit publication of "Exception Ratings to General Commodity Rates" in the form of percentages of the general commodity rates (under conditions similar to those currently imposed on percentage specific commodity rates). We also propose to provide that such exception ratings will remove the application of general commodity rates, and that specific commodity rates (in dollars or cents) will remove the application of both general commodity rates and such exception ratings. Such precedence of rates will permit publication of specific commodity rates (in dollars or cents) without creating conflicts with percentage exception ratings on the same commodities. See §§ 221.4 ("General commodity rate"), 221.39 (caption), 221.39(c), 221.74, and 221.76, *infra* (existing § 221.75(e) would be deleted).

The carriers further requested an amendment to permit the publishing of the required conversion table in the governing rules tariff, instead of in the rate tariff to which it relates as is presently required in connection with percentage rates (existing § 221.75(e) (4) and proposed § 221.74(b) (7)). We are not proposing an amendment to effect this request. Under the carriers' proposal, the tariff user would be required first to determine the applicable general commodity rate and the percentage exception rating applicable to the particular commodity from the rate tariff and then be compelled to refer to a separate tariff merely to determine the rate represented by the percentage of the general commodity rate. In the case of cargo tariffs (unlike that of passenger tariffs), there would be no substantial reduction in publication by having the accompanying conversion table published in the rules tariff. In the interest of tariff simplification and in consideration of the tariff user's convenience, we believe that the conversion table should be published in the rate tariff as presently required.

Mechanical problems—Identifying issuing carrier, officer, or agent on loose-leaf pages. Amendments are proposed which would require that the name of the issuing carrier or agent be shown for purposes of identification on each interior loose-leaf page. It is also proposed to permit a publisher to omit from the bottom of each interior loose-leaf page the name, title and address of the issuing officer or agent, provided that the title page is revised to reflect the name, title and address of the current issuing officer or agent whenever there is a change in such data. These and related amendments may be found in §§ 221.10(b), 221.22(b), 221.31(a) (1), 221.31(a) (12), 221.223(d), 221.224(c), and 221.231, *infra*.

Participation in air carriers' pick-up and delivery tariffs governing joint air-surface rates. Under the present regu-

lation, surface carriers participating in joint air-surface rates are required to participate in governing tariffs for pick-up and delivery services even though the services are performed only by the air carriers. We propose to remove this requirement. (See § 221.100(c), *infra*.)

Cancelling matter from a loose-leaf page. The present regulation (§ 221.111 (e)) provides that where a "substantial portion" of a page is to be canceled, all of the canceled matter may be omitted provided the revised page contains a footnote which identifies the matter to be canceled and directs its cancellation. The proposed amendment would permit the use of this method of cancellation regardless of whether the cancellation pertains to a "substantial portion" of a loose-leaf page. (See § 221.111(e), *infra*.)

Percentage fares. Under the current regulation, fares for "children, round trips, circle trips, open jaw trips and similar fares" may be stated as percentages of other fares published specifically in dollars and cents (base fares) applying from and to the same points, via the same routes, and for the same class of service. Difficulty has been experienced in determining what constitutes "similar fares" which are permitted to be stated as percentages and there appears to be no need to confine percentage fares to those enumerated in the regulation and similar fares. The proposed rule (§ 221.59) would accordingly broaden the scope of permissible percentage fares. The rule would also be amended to provide that: (1) A percentage fare shall apply from and to the same points, via the same routes, and for the same class of service and same type of aircraft to which the applicable base fares apply, and (2) a percentage fare shall apply to all base fares in a fares tariff or designated section or table thereof except that it may be restricted to apply for account of designated participating carriers and, in international tariffs, may be restricted territorially to apply between designated countries or larger geographical areas.

We have considered the suggestion that carriers be permitted to publish fares in the form of fixed dollar amounts to be added to or deducted from the base fares. However, the carriers have offered no explanation of any circumstances which would warrant publication of fares in such manner.

Cancellation of participating carrier in loose-leaf tariff. When a participating carrier is canceled in a loose-leaf tariff, the current regulations require that each page of the tariff be revised to specifically cancel the affected fares, rates, and provisions. It is proposed to provide an alternate method of canceling such fares, rates, and provisions by a general cancellation notation published immediately following the list of participating carriers, subject to the filing within a specified period of revised pages effecting specific cancellation. (See § 221.111(g), *infra*.)

Volume rate conversion table. Many carriers publish varying general commodity rates subject to different minimum weights. Currently, all such rates and minimum weights are required to be shown directly in connection with

their respective points of origin and destination. We propose to amend the regulations to provide, in such circumstances, for the publication of rates subject to only one particular minimum weight, e.g., minimum weight 100 pounds, directly in connection with the points of origin and destination, and for the publication of lower rates subject to greater minimum weights in the form of a separate conversion table. The proposed method of publication is now used under waiver of current regulations, has proven practical, and reduces the volume of tariff matter. (See §§ 221.71(b) (3) and 221.71(c), *infra*.)

Other material on check sheet of small tariff. Current § 221.32 prohibits a check sheet page of a loose-leaf tariff (showing correction numbers of revised and added pages) from containing other contents of the tariff. Smaller tariffs generally do not have many corrections and, consequently, an adequate check sheet of correction numbers does not require the space of an entire page. We propose to amend § 221.32 to permit other matter to be published on the same page with the check sheet of a tariff of less than thirty pages. (See § 221.32, *infra*.)

Definite unit of rate—rate "per animal" and charter rates. Amendments are proposed to permit tariffs to (1) name rates per individual animal provided that such rates apply only to a specific type of animal; and (2) have different charter rates on the same type of aircraft based upon variations in the interior configuration or pay load capacity. The latter amendment is in accord with the current practice. (See §§ 221.64 and 221.70(a), *infra*.)

Ruling and spacing of tables. The current regulations prohibit tables in tariff publications from containing more than six horizontal lines of printed matter without a horizontal break by a ruled line or blank space. We propose a clarifying amendment to limit this prohibition to instances where it is necessary for the tariff user to refer to corresponding provisions on the same line in parallel columns. (See § 221.21(f), *infra*.)

Statement concerning transfer of tariff provisions from one tariff to another. When provisions are transferred from one tariff to another, the transfer notice in the tariff to which provisions are transferred, in referring to the former tariff, is presently required to specify the supplement or revised page which canceled the transferred matter from the former tariff. We propose to eliminate this requirement. (See § 221.113(c) (3) (ii) and (iii), *infra*.)

Joint fares or rates subject to provisions for account of individual participating carrier. It is proposed to clarify the regulations to provide expressly that provisions governing joint rates or fares may be published for account of individual carriers participating in such joint rates or fares provided that the tariff clearly indicates how such provisions apply over joint routes in conjunction with other participating carriers for whom no similar provisions are published. (See §§ 221.10(a) and 221.38 (k), *infra*.)

Use of abbreviations. The proposed amendments would expand the permis-

sible use of abbreviations for names of months, and would also provide for alternative methods of explaining abbreviations and symbols. (See §§ 221.35(a) and 221.35(d), *infra*.)

Identification of foreign points. The proposed amendment would provide various exceptions to the existing requirement that where the tariff applies to or from foreign countries, the name of the respective country in which each point is located must be shown in the table of fares or rates and in the index of points. (See §§ 221.37(a) and 221.52(a), *infra*.)

Cross referencing of cities. The existing regulation permits the publishing of rates or fares applying to or from a particular point by naming such point in an alphabetical index of points in the tariff and stating that such point takes the same rates or fares as another named point, for which rates or fares are published. However, the existing regulation does not permit such cross referencing in the table of rates or fares. (§ 221.52(b)). It is proposed to authorize the cross referencing of cities in the rate or fare table as an alternative to the index of points. (See § 221.52(b), *infra*.)

Special Tariff Permission where tariff publication is rejected due to typographical or clerical errors or illegibility. The present regulation (§ 221.190(b)) provides for the granting of Special Tariff Permission to file on less than thirty days' notice the tariff changes necessary to correct clerical or typographical errors in tariff publications which have not been rejected by the Board. We propose to extend similar approval to applications for Special Tariff Permission to republish changes initially published in a tariff publication which was rejected and whose rejection was caused by illegible printing (in reissued matter) or clerical or typographical errors. However, application therefor must be filed within three days after receipt of the Board's notice of rejection. (See § 221.190(b) (2), *infra*.)

Reference sources for distance fares, rates or charges. The existing regulation (§ 221.54(a)(3)) permits tariffs naming distance fares or rates to refer to certain non-tariff mileage publications for determining applicable distances "as a temporary expediency, pending development of adequate mileage or distance guides." We propose to add to this list of non-tariff mileage publications to which such reference may be made the Book of Official C.A.B. Airline Route Maps and Airport-to-Airport Mileages published by The Air Transport Association of America. We are also deleting the phrase quoted above from the regulation. The Board, however, is not satisfied with the current practice under the existing regulation since it believes that the industry has been placing excessive reliance on non-tariff sources in ascertaining mileages for the purpose of determining distance rates, charges and fares. The Board hopes that adequate mileage or distance guides will be developed which could be substituted for the non-tariff mileage publications now in use. (See § 221.54(a), *infra*.)

Lessening the need for repetitive waivers. In connection with waivers to publish jet surcharges, it has been necessary

for carriers to request a new waiver each time the jet surcharge table was amended in any manner, i.e., expanding to additional points or adjusting existing jet surcharges. In order to minimize unnecessary repetitive waiver applications, wherever appropriate in the case of approval of waivers for a substantial period, and as a matter of internal procedure, waivers will be drafted in such form as to minimize the necessity for requesting repetitive waivers for the purpose of changing details which do not alter the format or basic provisions of the tariff publication for which the waiver was granted. No amendment to Part 221 is necessary, however.

Editorial problems—General effective date of tariff publication. Where several changes on a loose-leaf tariff page are to become effective on different dates, the existing regulation (§ 221.22(b)(5)) has in the past been interpreted as requiring that the general effective date which appears in the lower right hand corner of the page shall correspond to the latest effective date on the page. We propose to amend the regulations to provide that where there are several different effective dates of changes in a single tariff publication, the carrier may select any one as the general effective date, provided that the date selected allows at least thirty days' notice. This is in accord with the current practice. (See §§ 221.4 ("General effective date"), and 221.160(b), *infra*.)

Alphabetical arrangement of points. Under the existing regulation (§ 221.37) an index of points may be omitted from a tariff provided that the fares or rates are arranged by points of origin and destination in continuous alphabetical order throughout the entire tariff or each section or table thereof. We propose to amend the regulation to describe various alphabetical arrangements of points of origin and destination which are acceptable and will enable tariff users to locate points without an index. (See §§ 221.37 (b), (c), and (d); 221.75 (d), *infra*.)

Re-use of Special Tariff Permission. The existing regulation (§ 221.192) has been interpreted as requiring that if one of several pages filed under Special Tariff Permission is rejected, a new application for Special Tariff Permission must be filed and approved in order to file a page in lieu of the rejected page on less than statutory notice. We propose to amend the regulation to provide that a page issued in lieu of a rejected page may be filed under the same Special Tariff Permission provided that it is filed within the time limit specified in the Special Tariff Permission and the terms thereof do not preclude such re-use. (See § 221.193, *infra*.)

Inclusion of more than one tariff publication in a Special Tariff Permission application. It has been the practice, when an adjustment involves more than one tariff, to ask applicants to file a separate Special Tariff Permission application for each tariff. This has been done to facilitate and expedite the processing of applications since a problem with respect to one tariff might delay the processing, if all tariffs involved were included in one application, whereas the

filing of separate applications would permit the processing of all applications except the one to which the problem pertains. We propose to clarify the regulation pertaining to the filing of Special Tariff Permission applications accordingly. (See § 221.191(d), *infra*.)

Identification of revised pages in Special Tariff Permission applications. The current regulation (reference (4) to § 221.241(b)) requires that the application for Special Tariff Permission make specific reference to the revised page to be issued and the page to be canceled thereby, when practicable. The current practice is to permit an application for Special Tariff Permission to make general in lieu of specific reference to revised pages which are proposed to be issued and those which are to be canceled thereby. The proposed amendment codifies this practice. (See reference (4) to § 221.241(b), *infra*.)

Arbitrariness. It is proposed to amend § 221.58 to define the term "arbitrariness", and to specify the manner in which they may be set forth.

Omission of Special Tariff Permission number on tariff publication. Section 221.160(b)(3) and the terms of Special Tariff Permissions presently require that when a tariff publication contains matter filed under Special Tariff Permission, it shall specify the Board's Special Tariff Permission number. We propose to permit the publisher, if he so elects, to omit the Board's Special Tariff Permission number from the Special Tariff Permission notation on the tariff page provided that (1) the Special Tariff Permission number is shown in the letter of tariff transmittal and (2) the publisher's Special Tariff Permission application number is shown in the Special Tariff Permission notation on the tariff publication. (See § 221.194, *infra*.)

Forwarders' proposals—Definition of proportional rate or fare. It is proposed to clarify the definition of "proportional rate or fare" by providing that its use is limited to constructing through combination rates or fares. (See § 221.4 ("Proportional rate or fare"), *infra*.)

Pick-up and delivery service. It is proposed to amend existing § 221.53 in order to permit air transportation rates to include pick-up or delivery service at certain specified points within the pick-up and delivery zone of an airport city of origin or destination, with service to other specified points within the same pick-up and delivery zone at stated pick-up or delivery rates or charges to be assessed in addition to the air transportation rates. (See § 221.53, *infra*.)

Rate scale method of publishing rates. An amendment is proposed which would expressly provide for the publication of rates by the use of rate scale numbers. This method of publication is used in a number of tariffs now on file. (See § 221.80, *infra*.)

Miscellaneous proposals—Tariffs to be stated in English language. It is proposed to require tariff publications and other documents filed pursuant to Part 221 to be stated in the English language. (See § 221.5, *infra*.)

Effective date of compliance with this part. It is proposed to designate September 30, 1964, as the date on which all

tariffs currently in effect shall be brought into compliance with the requirements of Part 221. (See § 221.6, *infra*.)

Editorial changes. In the course of drafting the proposed substantive changes in the regulations, certain minor editorial changes have been made. In addition, editorial changes have been made in certain sections of the regulation with respect to which no substantive changes are being proposed.

Organization Regulations—Rejection of tariff publications filed on more than sixty days' notice. In order to afford greater assurance that tariffs will become effective on their intended effective dates, we are proposing a new procedure with respect to tariffs filed on more than sixty days' notice. Where such tariffs are not rejected within the first thirty days commencing with and counting the filing date, they shall not be rejected after such thirty-day period under delegated authority unless the issuing carrier or agent is given an opportunity to remove the cause for rejection by the effective date, under Special Tariff Permission if necessary, and fails to take such corrective action. (See § 385.15(a), *infra*.)

Review procedure. The carriers urge the adoption of some type of informal review procedure which would permit effective and expeditious appeals from staff action taken under delegated authority rejecting tariff publications, or denying applications for Special Tariff Permission or for waivers. This informal review, it is claimed, should be by the Director of the Bureau of Economic Regulation or some other high level staff member or members within a few days after the adverse staff action; and the procedure therefor should be incorporated into the Board's Regulations. This review would be separate and apart from the right of an applicant to have the rejection by the Tariffs Section reviewed by the Board itself.

The existing regulation (§§ 385.53 and 385.54) provides that when review is sought of staff action taken under delegated authority, the initial staff action may be reversed only by the staff member who took the initial action or by the Board itself. However, under our internal practice, when petitions for review are filed seeking review of initial staff action taken under delegated authority in nonhearing matters by a staff member (other than a Bureau Director, Office Head or hearing examiner), the matter is automatically subject to review by the respective Bureau Director or Office Head, as the case may be, who is in the supervisory chain of command with respect to the staff member who took the initial action. In view of this current intermediate review practice, further separate intermediate review procedure, such as the carriers request, would not appear to be needed. Neither do we find a basis for establishing a special review procedure for delegated actions with respect to tariffs. However, we propose to modify the regulations (Part 385) to conform them to our present internal practice throughout the Board. Thus, we intend to provide that, except in the case of hearing examiner rulings, where action is taken by a staff member other

than a Bureau Director or Office Head with respect to which discretionary review is sought under subpart C of Part 385, such action may be reversed by the respective Bureau Director or Office Head who is in the supervisory chain of command with respect to the staff member who took the initial action. (See § 385.53, *infra*.)

Proposed rules. It is proposed to amend Part 221 of the Economic Regulations (14 CFR Part 221), and Part 385 of the Organization Regulations (14 CFR Part 385) as follows:

In Part 221:

1. Amend § 221.4 as follows:

Delete the alphabetical lettering of the paragraphs, and amend the current paragraphs (h), (i), and (s). As amended, § 221.4 would read:

§ 221.4 Definitions.

As used in this part, terms shall be defined as follows:

"Act" means the Federal Aviation Act of 1958, as amended.

"Board" means the Civil Aeronautics Board.

"Book tariff" means a tariff consisting of pages bound together in book form which conforms with the specifications applicable only to book tariffs.

"Carrier" means an air carrier or foreign air carrier subject to section 403 of the act.

"Class rate" means a rate which is published to apply on articles or commodities assigned to a numbered, lettered, or other specified class or category by a classification or an exception thereto.

"Fare" means the amount per passenger or group of persons stated in the applicable tariff for the transportation thereof and includes baggage unless the context otherwise requires.

"Fare tariff" means a tariff containing fares for the air transportation of persons and may include baggage charges and provisions relating thereto.

"General commodity rate" means a rate which is published to apply on all articles or commodities except those which will not be accepted for transportation under the terms of the tariff containing such rate or of governing tariffs.

"General effective date" means the effective date shown on the title page of a tariff as required by § 221.31(a) (11), the effective date shown on title page of a supplement as required by § 221.112(b) (8), and the effective date shown on an original or revised page as required by § 221.22(b) (6). Also, see § 221.160.

"Item" means a small subdivision of a tariff designated as an item and identified by a number, a letter, or other definite method for the purpose of facilitating reference and amendment.

"Joint fare or rate" means a fare or rate that applies to transportation over the joint lines or routes of two or more carriers and which is made and published by arrangement or agreement between such carriers evidenced by concurrence or power of attorney.

"Joint tariff" means a tariff that contains joint fares or rates.

"Local fare or rate" means a fare or rate that applies to transportation over the lines or routes of one carrier only.

"Local tariff" means a tariff that contains local fares or rates.

"Loose-leaf tariff" means a tariff consisting of loose-leaf pages and conforming with the specifications applicable to loose-leaf tariffs as set forth in § 221.22.

"Original tariff" as applied to a loose-leaf tariff, refers to the tariff as it was originally filed exclusive of any supplements, revised pages, or additional original pages. "Original tariff," as applied to a book tariff, refers to the tariff as it was originally filed exclusive of any supplements.

"Passenger tariff" means a tariff containing fares, charges, or governing provisions applicable to the air transportation of persons and their baggage.

"Property tariff" means a tariff containing rates, charges, or governing provisions applicable to the air transportation of property (other than baggage accompanied or checked by passengers).

"Proportional rate (or fare)" means a rate (or fare) which may be used only to construct a through combination rate (or fare) on traffic which:

(1) originates at a point beyond the point from which such proportional rate (or fare) applies, or

(2) is destined to a point beyond the point to which such proportional rate (or fare) applies, or

(3) both originates at a beyond point specified in (1) above and is destined to a beyond point specified in (2) above.

"Proportional tariff" or "basing tariff" means a tariff which contains proportional or basing rates or fares.

"Rates" means the amount per unit stated in the applicable tariff for the transportation of property (including the amount for chartering a plane) and includes "charge" unless the context otherwise requires.

"Rate tariff" means a tariff containing rates and charges for the air transportation of property, other than baggage accompanying or checked by passengers.

"Specific commodity rate" means a rate which is published to apply only on a specific commodity or commodities which are specifically named or described in the item naming such rate or in an item specifically referred to by such rate in the manner prescribed by § 221.75.

"Tariff publication" means a tariff, a supplement to a tariff, or an original or revised page of a loose-leaf tariff, and includes an index of tariffs (Subpart L) and an adoption notice (§ 221.230).

"Through fare" means the total fare from point of origin to destination. It may be a local rate, a joint rate, or combination of separately established rates.

"Through fare" means the total fare from point of origin to destination. It may be a local fare, a joint fare, or combination of separately established fares.

"United States" means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying air space thereof.

"Warsaw Convention" means the Convention for the Unification of Certain Rules Relating to International Transportation by Air, 49 Stat. 3000.

2. Add § 221.5 reading as follows:

§ 221.5 English language.

All tariff publications, powers of attorney, concurrences, revocations of powers of attorney or concurrences, letters of tariff transmittal, Special Tariff Permission applications, waiver applications and all other documents filed with the Board pursuant to this part shall be in the English language.

3. Add a new § 221.6 to read as follows:**§ 221.6 Effective date for bringing existing publications into compliance.**

All tariff publications filed prior to (show effective date hereof), and which are either in effect on that date or to become effective after that date, shall be brought into compliance with this part effective not later than September 30, 1964.

4. Amend § 221.10 to read as follows:**§ 221.10 Carrier.**

(a) *Local or joint tariffs.* A carrier may issue and file, in its own name, tariff publications which contain:

(1) Local rates or fares of such carrier only and provisions governing such local rates or fares, and/or

(2) Joint rates or fares which apply jointly via such issuing carrier in connection with other carriers (participating in the tariff publications under authority of their concurrences given to the issuing carrier as provided in § 221.210) and provisions governing such joint rates and fares. Provisions for account of an individual participating carrier may be published to govern such joint rates or fares provided § 221.38(k) is complied with.

A carrier shall not issue and file tariff publications containing local rates or fares of other carriers, joint rates or fares in which the issuing carrier does not participate, or provisions governing such local or joint rates or fares.

(b) *Issuing officer.* An officer or designated employee of the issuing carrier shall be shown as the issuing officer of a tariff publication issued by a carrier, and such issuing officer shall file the tariff publication with the Board on behalf of the issuing carrier and all carriers participating in the tariff publication. (See §§ 221.22 (b) (7), 221.31(a) (12) and 221.112(b) (9) for location of issuing officer's name on tariff publications.)

5. Amend paragraph (f) of § 221.21 to read as follows:**(f) Tables to be ruled or spaced.**

When fares, rates, charges, and numbers or letters (used for rate bases or similar purposes) are shown in tables, such tables shall be systematically arranged, and ruled or spaced to prevent misapplication. When not more than three figures (digits) or letters, including reference marks, are employed to express each rate, fare, charge, rate base, etc., the column shall be not less than one-fourth of an inch in width with a proportionately greater width when more than three figures or letters, including reference marks, are so employed. Tables shall not contain more than six horizontal lines of printed matter without a horizontal break in the printed

matter (either by a ruled line or by at least one blank space across the table) where it is necessary for the tariff user to refer to corresponding provisions on the same line in parallel columns.

6. Amend § 221.22(b) to read as follows:

(b) *Information required on all interior pages.* Each original page and revised page following the title page of a loose-leaf tariff shall contain the following information in the location specified:

(1) In the upper left corner, the name of the issuing carrier or the name and title of the issuing agent.

(2) In the upper left corner, immediately below the name of the issuing carrier or agent, the title of the tariff.

(3) In the upper right corner, the C.A.B. number of the tariff.

(4) Immediately below the C.A.B. number, the original page number or the revised page number, as the case may be, and, if a revised page, the cancellation of preceding issues of that page (see paragraph (c) of this section and § 221.111).

(5) In the lower left corner:

(i) The issued date of the page; or,
(ii) The posting date of the page. (See § 221.31(a) (10).)

If an original tariff contains a posting date, all interior pages and the title page shall contain the same posting date and prescribed note.

(6) In the lower right corner, the effective date on which the fares, rates, charges, rules, and other provisions will become effective (see § 221.160).

(7) Centered at the bottom of the page, the name, title and address of:

(i) The issuing officer (if tariff is issued by a carrier).

(ii) The issuing agent (if tariff is issued by an individual agent).

(iii) The official or employee of a corporate agent designated by such agent to issue and file tariff publications in the corporate agent's name (if tariff is issued by a corporate agent).

The information required by subparagraph (7) may be omitted from interior loose-leaf pages provided that, whenever there is a change in such required information, a revision of the title page is issued and filed immediately to reflect the current name, title and address. When such information is omitted from interior pages, each letter of tariff transmittal tendering revised or original interior pages for filing shall bear the name, address and title of the issuing officer, individual agent, or corporate agent's designee shown on the latest issue of the title page at the time of filing; if a letter of tariff transmittal bears a different name, title or address from that on the latest issue of the title page, the pages submitted with such letter of tariff transmittal are in violation of these requirements.

7. Amend § 221.30(a) (9) to read as follows:

(9) Classification ratings or exceptions to governing classification ratings (property tariff only) (§ 221.39).

8. Amend § 221.31(a) (1) to read as follows:

(1) *C.A.B. number.* In the upper right hand corner of the title page, the C.A.B. number of the tariff shall be shown in not less than 12-point bold face type. Except as provided in § 221.224 (d), tariffs shall bear consecutive C.A.B. numbers in the series of the issuing carrier or the issuing agent. Each carrier and each agent shall issue and file tariffs consecutively in its own individual series of C.A.B. numbers, commencing with C.A.B. No. 1, and shall use only one series of C.A.B. numbers for all of the tariffs which it issues. Passenger tariffs and property tariffs shall be consecutively numbered in the same series of C.A.B. numbers and a separate series shall not be used for each type of tariff. C.A.B. numbers shall not bear prefixes or suffixes.

9. Amend § 221.31(a) (12) to read as follows:

(12) *Issuing officer, agent or designee.* The name, title and address of the following person shall be shown centered at the bottom of the title page:

(i) The issuing officer (if tariff is issued by a carrier).

(ii) The issuing agent (if tariff is issued by an individual agent).

(iii) The official or employee of a corporate agent designated by such agent to issue and file tariff publications in the corporate agent's name (if tariff is issued by a corporate agent).

With respect to loose-leaf tariffs, the title page shall be revised immediately, upon lawful notice, to reflect the current name, title and address of the above person whenever there is a change in such information. The title of an issuing officer of a carrier or the official or employee designated by a corporate agent to issue and file tariff publications shall not include the terms "Agent" or "Alternate Agent". (See §§ 221.10 and 221.11 stating who may issue tariffs.)

10. Amend § 221.32 by revising the first three sentences of the section to read as follows:**§ 221.32 Correction number check sheet (loose-leaf tariff).**

Original Page 1 (page following the title page) of each loose-leaf tariff shall contain a check sheet of correction numbers (See § 221.111(c)). Original Page 1 shall contain no other contents of the tariff unless the tariff contains less than thirty pages. Such check sheet shall consist of the following explanatory provision followed by columns of consecutive correction numbers arranged in numerical order, commencing with No. 1, which shall be shown in the following manner:

11. Amend § 221.35(a) to read as follows:**§ 221.35 Explanations of abbreviations, reference marks, and symbols.**

(a) *Explanation required.* Abbreviations, reference marks and symbols which are used in the tariff shall be explained either on the same page on which they

are used or their explanations shall be shown preceding the indexes of commodities and points. Each page on which abbreviations, reference marks or symbols are used but not explained thereon shall refer to the page containing their explanations substantially in the following manner (at the bottom of the page):

For explanations of abbreviations, reference marks, and symbols used but not explained hereon, see page ---- (as amended).

12. Amend § 221.35(d) to read as follows:

(d) *Prohibited abbreviations, symbols, or reference marks.* The following shall be shown in full and shall not be designated by symbols, abbreviations, or reference marks:

- (1) Name of an agent.
- (2) Name of a carrier (except in the rules or regulations and in the routings and indexes of points).
- (3) Name of a city or town (except in routings).
- (4) Name of a month when used in issued, effective or expiration dates.

13. Amend § 221.37(a) to read as follows:

(a) *Alphabetical index required.* Each tariff shall contain an alphabetical index of all points of origin named in the tariff and a separate alphabetical index of all points of destination named in the tariff, except that the points of origin and destination may be included in one alphabetical index when all or substantially all of the rates or fares in the tariff apply in both directions between their respective points. The state, territory, possession, or District of Columbia in which each United States point is located shall be shown in connection with each such point. If the tariff applies to or from foreign countries, the respective country shall also be shown in connection with each and every point in the index except that:

- (1) Only the name of the state, possession, territory or the District of Columbia is required to be shown in connection with each point in the United States.
- (2) Only the name of the province is required to be shown in connection with each point in Canada.
- (3) Only the name of the possession or territory is required to be shown in connection with each foreign point which is situated within a possession or territory of a mother country, for example, Antigua, British West Indies; however, if such point is coextensive with the territory or possession in which it lies, such as Hong Kong, it shall be identified by nationality in the following manner: Hong Kong (British). Opposite each point, reference shall be made to the number of each item (or similar unit) in which the respective point appears. If the point is not published in a numbered item (or similar unit), reference shall be made to the page on which the

point appears. If the tariff contains rates or fares for account of more than one carrier, each point in the index shall show the carrier or carriers serving the respective point.

14. Amend § 221.37 by revising paragraphs (b), (c), and (d) to read as follows:

(b) *When index may be omitted.* The index of points may be omitted provided that all points of origin and destination are arranged in alphabetical order throughout the tariff or, if the fares or rates are published in two or more distinct sections or tables, throughout each section or table. Such alphabetical arrangement shall be explained as required by paragraph (c) of this section. In addition, when fares or rates are so arranged in sections or tables, reference to each section or table shall be shown in the table of contents. The following arrangements of points shall be considered to be in alphabetical order:

- (1) From origin points arranged in alphabetical sequence, to destination points arranged in alphabetical sequence under their respective headline points,
- (2) To destination points arranged in alphabetical sequence, from origin points arranged in alphabetical sequence under their respective destination points;

(3) Between one group of points arranged alphabetically as headline points, and another group of different points arranged alphabetically as sideline points under their respective headline points, (but with no fares or rates between points in the same group) as, for example, between United States headline points, on the one hand, and Canadian sideline points, on the other hand;

(4) Between points shown in a descending alphabetical arrangement in which fares or rates are provided between substantially all points in the fare or rate table as, for example, between headline point A and sideline points B through Z, between headline point B and sideline points C through Z, between headline point C and sideline points D through Z, and continuously descending to the final listing, between headline point Y and sideline point Z. In the above arrangements, points shall be either (i) in alphabetical sequence by points or (ii) in alphabetical sequence first by States (or Canadian provinces) and thence by points grouped under their respective States (or provinces).

(c) *Explanation required when index omitted.* When the index of points is omitted as provided in paragraph (b) of this section, a comprehensive explanation of the alphabetical arrangement of points must be shown in the place where the index of points would have been published. The following are some examples of such explanations which may be modified to explain the particular alphabetical arrangement employed in the tariff:

INDEX OF POINTS OF ORIGIN AND DESTINATION

Points of origin are arranged alphabetically as headline points throughout the tariff.

Points of destination are arranged alphabetically as sideline points under each origin point (see § 221.37(b)(1)); or

Points in the United States are arranged alphabetically as headline points throughout the tariff. Points in Canada are arranged alphabetically as sideline points under each headline point (see § 221.37(b)(3)); or

Points of origin and destination are arranged alphabetically throughout the tariff (or each section or table of fares (or rates)) (see § 221.37(b)(4)); or

Points of origin and destination are arranged alphabetically throughout the tariff (or each section or table of fares (or rates)) first by States or Provinces, thence by points of origin and destination grouped under their respective States or Provinces (see § 221.37(b)(4)).

(d) *When reference to items (or similar units) or pages may be omitted from index.* If an index is published in a tariff containing rates or fares for account of two or more carriers, the index of points shall show the carrier or carriers serving each point but may omit reference to each item (or similar unit) or page where each point appears, provided that the tariff conforms with § 221.37(b) and that the explanation of the alphabetical arrangement of points is shown in the heading of the index on each page thereof in the manner set forth in paragraph (c) of this section.

15. Amend § 221.38(i) to read as follows:

(i) *Carriers' billing, payment and credit rules—(1) Property tariffs.* All direct and indirect air carriers and foreign air carriers shall state in their tariffs governing transportation of property their rules, regulations and practices relating to the billing of shippers (including the billing of indirect air carriers by direct air carriers) for transportation services rendered, and the payment of rendered bills by shippers for such services. Such statements, applicable to all shippers or any class of shippers, shall include the billing intervals, the period covered by each billing, the time within which the bills are payable, and any charges for late payment.

(2) *Credit on joint transportation.* Notwithstanding section 221.10(a), a tariff issued by a carrier may include provisions under which the issuing carrier offers to extend credit for rates, fares or charges to be collected by the issuing carrier and which are applicable to through transportation performed by the issuing carrier in conjunction with connecting carriers regardless of whether such transportation is subject to a through joint fare or rate or a combination of separately established fares or rates of the respective carriers.

16. Amend § 221.38 by adding a new paragraph (k) to read as follows:

(k) *Individual carrier provisions governing joint rates or fares.* Provisions governing joint rates or fares may be published for account of an individual carrier participating in such joint rates or fares provided that the tariff clearly indicates how such individual carrier's

provisions apply to the through transportation over the applicable joint routes comprised of such carrier and other carriers who either do not maintain such provisions or who maintain different provisions on the same subject matter.

17. Amend the heading of § 221.39 to read as follows:

§ 221.39 Classification ratings or exceptions to governing classification ratings.

18. Amend the first paragraph of § 221.39(c) to read as follows:

(c) *Exceptions to governing classification ratings.* When the classification ratings are published in a separate classification tariff as provided under paragraph (b) of this section and it is found necessary to publish ratings which are exceptions to such classification ratings without canceling the classification ratings, this part of the class rates tariff shall contain the ratings which are exceptions to the ratings in the governing classification tariff. Such exception ratings shall be published in compliance with the following requirements:

19. Amend § 221.41 in its entirety to read as follows:

§ 221.41 Routing.

(a) *Required routing.* The route or routes over which each fare or rate applies shall be stated in the tariff in such manner that the following information can be definitely ascertained from the tariff:

(1) The carrier or carriers performing the transportation,

(2) The point or points of interchange between carriers if the route is a joint route (via two or more carriers),

(3) The intermediate points served on the carrier's or carriers' routes applicable between the origin and destination of the rate or fare and the order in which such intermediate points are served. (This information, however, is not required in those property tariffs which are not subject to rules or other provisions for stopping in transit or to any other provisions which require determining what intermediate points are served via the tariff routing between the origin point and destination point of a rate; nor is it required in passenger tariffs of carriers whose operations are other than over defined routes stated in certificates or permits issued by the Board; nor in charter tariffs.) On an experimental basis, for purposes of complying with this paragraph, tariffs may include for each carrier a separate map of the carrier's routes, showing intermediate points in the order served.

(b) *Individually stated routings.*—(1) *Method of publication.* Except as otherwise authorized in paragraphs (c) and (d) below, the routing required by para-

graph (a) of this section shall be shown directly in connection with each fare, rate or charge for transportation, or in a routing portion of the tariff (following the rate or fare portion of the tariff), or in a governing routing tariff. When shown in the routing portion of the tariff or in a governing routing tariff, the fare or rate from each point of origin to each point of destination shall bear a routing number and the corresponding routing numbers with their respective explanations of the applicable routings shall be arranged in numerical order in the routing portion of the tariff or in the governing routing tariff.

(2) *Class of passenger service and aircraft type specified in routing.* Where a passenger fare applies via one class of service (or type of aircraft) over a portion of the routing applicable from origin to destination and via a different class or classes of service (or a different type or types of aircraft) over the remainder of the routing, provisions as to the classes of service (or types of aircraft) provided over the respective segments of the routing may be included in the applicable routing published in accordance with subparagraph (1) above. When routings containing such provisions are published in a separate routing section of the tariff or in a governing routing tariff, the headings of the pages containing fares subject to such routings shall indicate that provisions as to class of service or type of aircraft are set forth in the routing.

(c) *Diagrammatic routings.* For property rates between United States points, on the one hand, and points in foreign countries or United States Territories or Possessions, on the other hand, the routing information required by paragraph (a) (1) and (2) of this section may be shown in the form of routing diagrams. A routing diagram consists of (1) a series of connected columns or rectangular figures, each naming or designating a group of points, with carrier routing designated between each pair of consecutive, connected groups, and (2) an explanation of how to use the diagram in determining applicable routings. An illustration of an acceptable form of routing diagram is set forth in Illustration No. 1 at the end of this paragraph. Publication of routing diagrams shall conform to the following requirements:

(i) Each routing diagram shall bear a routing number. Only connected groups shall be included in one diagram.

(ii) Routing diagrams shall be published in numerical order, by routing number, in the routing portion of the tariff following the rate portion or in a governing routing tariff.

(iii) The pages containing the rates shall refer, by routing number, to the applicable routing diagrams. Where all

rates in a tariff, table or section are subject to one routing diagram, such reference may be shown in the heading of each rate page thereof. Otherwise, reference to the applicable routing diagrams shall be shown directly in connection with the respective rates from each origin to each destination.

(iv) An explanation of the application and use of each routing diagram shall be published in connection therewith in sufficient detail to enable the applicable routings to be definitely determined.

(v) Groups of points of origin, destination and interchange shall be designated in the diagram by definite geographic terms.

(vi) The carriers performing the transportation between each pair of consecutive, connected groups of points in the diagram shall be specifically designated in the routing diagram except that where space limitations make this impractical, such carrier routing may be published in the following manner:

(a) Except as otherwise authorized in subdivision (vi) (b) of this subparagraph, the routing between two consecutive, connected groups in the diagram may be shown by referring to a routing chart conforming to the following requirements. Routing charts shall be in tabular form showing the specific points in one group as headline points and the specific points in the other group as sideline points. Headline points shall be arranged alphabetically and the sideline points shall be arranged alphabetically under the respective headline points. Carrier routing between each headline point and each sideline point shall be shown in the intersecting space in the tabular chart. An illustration of such routing chart (using abbreviations to designate carriers) is set forth in Illustration No. 2 at the end of this paragraph.

(b) Carrier routing between two consecutive, connected groups consisting exclusively of foreign points may be shown either by a routing chart authorized under subdivision (vi) (a) of this subparagraph or in the following manner. The routing diagram may provide that carrier routing between such groups of foreign points shall be via any single-carrier service and shall refer to the tariff's alphabetical index or list of points of origin and destination to determine the carriers serving the respective points in each group. The latter method of publication may be used only where the tariff contains an alphabetical index or list of points of origin and destination showing the carriers serving the respective points, and only where each carrier indicated by such index or list as serving a pair of points (one in each such group) does in fact maintain service between such pair of points.

Illustration No. 1:

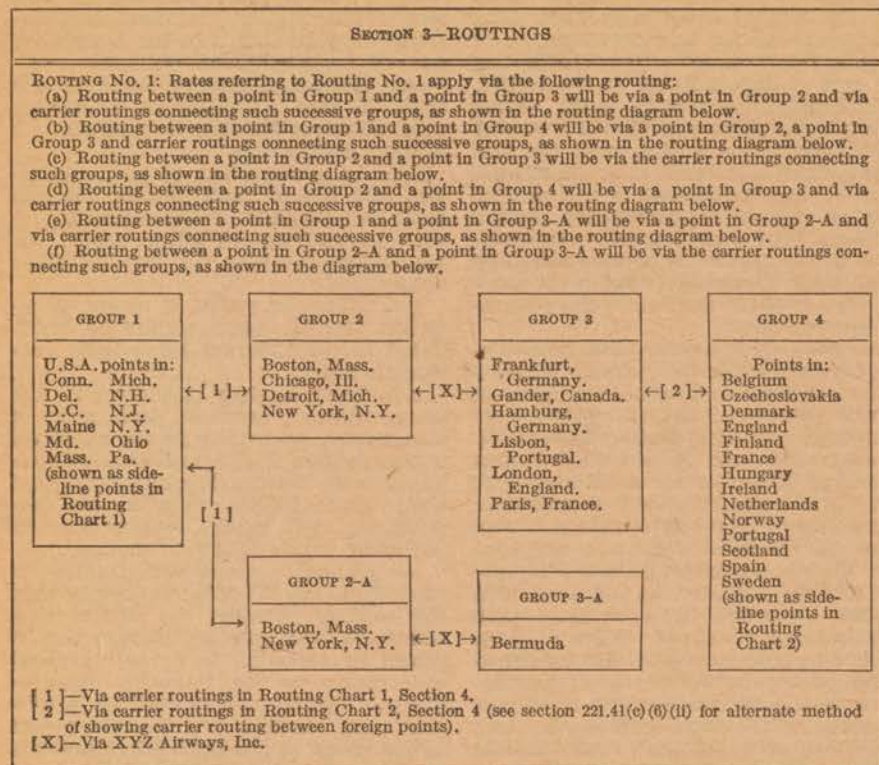


Illustration No. 2:

SECTION 4—ROUTING CHARTS

[Routing charts are applicable only to extent that reference is made thereto by routings in Section 3]

ROUTING CHART NO. 1:

BETWEEN AND	Boston, Mass.	Chicago, Ill.	Detroit, Mich.	New York, N.Y.
Akron, Ohio.....	BCD	BCD	BCD	BCD
Albany, N.Y.....	ABC	ABC	ABC	ABC
Allentown, Pa.....	ABC or DEF	ABC or DEF	ABC or DEF	ABC or DEF
Baltimore, Md.....	DEF	DEF	DEF	DEF
Bridgeport, Conn.....	DEF	DEF	DEF	DEF

(For explanations of abbreviations, see page ----)

(d) **Open routing.** In lieu of showing the routing information required by paragraphs (a) (1) and (2) in the manner prescribed by paragraph (b) or (c) of this section, a property rate tariff may contain a rule reading as follows:

ROUTING

Unless otherwise provided in routing exceptions shown in connection with the transportation rates or charges, the transportation rates or charges in this tariff will apply only via the following routing:

Local routing. Each transportation rate or charge will apply locally (via a single carrier) from the point of origin to the point of destination via any single carrier which is shown in this tariff as serving both such points. (See note.)

Joint routing. Each transportation rate or charge will apply jointly (via two or more successive carriers) from the point of origin to the point of destination via any carriers

and via any points of interchange between such carriers provided that the initial carrier is shown in this tariff as serving both the point of origin and the point of interchange with the next connecting carrier and that each successive connecting carrier is shown in this tariff as serving both the point of interchange at which it receives the shipment and the point of interchange or destination to which it transports the shipment. (See note.)

NOTE: To determine the carriers serving each point of origin, destination and interchange, see the Index of Points of Origin and Destination in this tariff.

The above rule is referred to hereinafter as "the open routing rule" and its publication is subject to the following requirements and conditions:

(1) The open routing rule may be published only in a rate tariff containing an index of points, captioned "In-

dex of Points of Origin and Destination", complying with § 221.37(a) or § 221.37(d). The following provision, making reference to the open routing rule, shall be shown in the heading of such index on each page thereof:

Points listed below are also points of interchange for the purpose of determining routing under Rule ----.

(2) The following provision, making reference to the open routing rule, shall be shown in the heading of the statement of rates on each page thereof:

Rates and charges below apply only via routing authorized by Rule ---- unless otherwise provided in the Routing Exceptions to which the rates or charges below are subject.

(3) All exceptions to the open routing rule shall be set forth as "Routing Exceptions" either directly in connection with the respective rates to which they apply or in a separate routing exception portion of the same tariff (following the rate portion). When such routing exceptions are set forth in a routing exception portion of the tariff, the rate from each origin to each destination, to which a routing exception is applicable, shall bear a routing exception number and the corresponding routing exception numbers (with their respective statements of the applicable routing exceptions) shall be arranged in numerical order in the routing exception portion of the tariff.

(4) Each exception to the open routing rule shall be clear, explicit and definite in its terms and shall be clear as to the extent to which it removes the application of the open routing rule.

(5) If the tariff names only local rates, the paragraph captioned "Joint Routing" shall be omitted from the open routing rule in such tariff. If the tariff names only joint rates, the paragraph captioned "Local Routing" shall be omitted from the open routing rule in such tariff.

(6) Publication of the open routing rule and routing exceptions under § 221.41(d) is an alternative to publishing the routing information required by § 221.41(a) (1) and (2) in the manner prescribed by § 221.41 (b) or (c), and § 221.41(d) does not authorize departure from any other provisions of Part 221.

(7) The open routing rule shall not be published in a tariff containing rates which are subject to provisions for stopping in transit at intermediate points or to any other provisions which require determining the intermediate points between the origin point and the destination point of a rate.

(8) Section 221.41(d) expires with ----- unless sooner canceled, changed or extended. All tariffs containing the open routing rule shall contain the above expiration date.

(e) **Emergency routing rule.** If desired, the following routing rule may be published in property rate tariffs conforming with paragraphs (b) or (c) of this section:

Routing instructions. The rates named in this tariff will apply only over the routes and via interchange points authorized herein except that when, in the case of pronounced traffic congestion (not an em-

bargo) or other similar emergency, or through carrier's error, carriers forward shipments by other transfer points of the same carriers or over other carriers parties to the tariff, the rates specified in this tariff (but not higher than the rate applicable over the actual route of movement) will be applied.

(f) *Forwarders.* The preceding paragraphs of this section do not apply to tariffs of Air Freight Forwarders or International Air Freight Forwarders. Where the rates and charges of two or more forwarders are published in one tariff issued by an agent, the tariff shall clearly indicate in connection with each rate or charge the respective individual forwarder for whom it is published.

20. Amend § 221.52(a) to read as follows:

(a) *Specific points of origin and destination.* Except as otherwise provided in this part, the specific points of origin and destination from and to which the fares or rates apply shall be specifically named directly in connection with the respective fares or rates. Whenever there are two or more points of the same name receiving scheduled air transport service, the State, territory, or possession, in which each such point is located shall be shown in connection with the point. If the tariff contains fares or rates applying to or from points in foreign countries, the respective country in which each point is situated shall also be shown in connection with each and every point named in the tariff except that:

(1) Only the name of the State, possession, territory or District of Columbia is required to be shown in connection with each point in the United States.

(2) Only the name of the province is required to be shown in connection with each point in Canada.

(3) Only the name of the possession or territory is required to be shown in connection with each foreign point which is situated within a possession or territory of a mother country, for example, Antigua, British West Indies; however, if such point is coextensive with the territory or possession in which it lies, such as Hong Kong, it shall be identified by nationality in the following manner: Hong Kong (British).

21. Amend § 221.52(b) to read as follows:

(b) *Points taking same fares or rates.* The fares or rates applying to (or from) a particular point named in the table of fares or rates may be made to apply to (or from) other points in the following manner: Show such other points in their proper alphabetical order in the rate or fare table and show in connection with each such point a statement that it takes the same fares or rates as apply to (or from) the particular point for which fares or rates are specifically published in the table. If the tariff has an index or list of points, the latter statement may be published in connection with the respective points in the index or list instead of in the rate or fare table. All such statements shall be published uniformly either (1) in the index (or list) or (2) in the table, but not in both.

22. Amend existing § 221.53 by (1) deleting the parenthetical reference to sec-

tion 221.103 at the end of section 221.53 (c); (2) redesignate current section 221.53 as 221.53(a) and redesignate (a), (b), and (c) thereof as (1), (2), and (3), respectively; and (3) add new paragraphs (b) and (c). As amended, § 221.53 will read as follows:

§ 221.53 Airport to airport application, accessorial services.

(a) Tariff publications containing rates or fares for air transportation shall specify whether or not they include additional services in one or more of the following ways:

(1) The tariff shall indicate that rates or fares include pick-up, delivery, or other services, explicitly defining the services to be furnished, and defining areas or points within or between which the services will be performed; or

(2) The tariffs shall indicate that the rates or fares apply only from airport to airport and that the carrier does not perform additional services; or

(3) The tariff shall indicate that the rates or fares apply only from airport to airport but that additional services are furnished subject to additional charges, setting forth the carrier's charges for all other services and other provisions applicable thereto, as required by § 221.38, and the tariff shall clearly and explicitly specify the extent to which such services will be furnished and the areas or points within or between which terminal transportation will be provided.

(b) The above requirements shall not be construed as precluding the publication of rates or fares for air transportation which include pick-up or delivery service at certain specified points or areas within the pick-up and delivery zone of the airport city of origin or destination but subject to a further provision that pick-up or delivery service will be provided at other specified areas or points within the same pick-up and delivery zone at stated rates and charges for such services to be assessed in addition to the rates or charges for air transportation.

(c) The airport to airport application of rates or fares for air transportation and the statements as to the extent to which such rates or fares include pick-up, delivery or other accessorial services shall be published in the rate or fare tariff and not in a governing tariff. However, the definitions of such services, the definitions of areas or points within or between which such services will be performed, and the rates or charges for such services (when not included in the air transportation rates or fares) may be published either in a governing rules tariff conforming to § 221.102 or in a governing pick-up and delivery tariff conforming to § 221.103.

23. Amend § 221.54(a) to read as follows:

(a) Tariffs containing fares or rates which are stated to apply per mile or other unit of distance shall provide one or more of the following methods for determining distance:

(1) Show the applicable distance from each point of origin to each point of destination from and to which such fares or rates apply,

(2) Make reference by C.A.B. number to a separate mileage or distance guide for such distances (see § 221.106), or

(3) Make reference to:

(i) The mileage publication of the International Air Transport Association;

(ii) The mileage publication of the United States Department of Commerce Coast and Geodetic Survey, Special Publication No. 238, Air-Line Distances Between Cities in the United States;

(iii) Book of Official C.A.B. Airline Route Maps and Airport to Airport Mileages published by The Air Transport Association of America.

Tariffs making reference to two or more of the mileage publications referred to above shall plainly state how each is to be applied and in such manner that no conflict results from the stated application.

24. Amend § 221.58 to read as follows:

§ 221.58 Arbitraries.

A tariff may provide that rates or fares from (or to) particular points shall be determined by the addition of arbitraries to, or the deduction of arbitraries from, rates or fares therein which apply from (or to) a base point. An arbitrary is a specific amount in dollars or cents published specifically for application in the above manner. Provisions for the addition or deduction of such arbitraries shall be shown either directly in connection with the fare or rate applying to or from the base point or in a separate provision which shall specifically name the base point. The tariff shall clearly and definitely state the manner in which such arbitraries shall be applied. In the case of arbitraries applicable to the transportation of property, the arbitraries shall be published in the same units of currency and rate as those in which the base rates are stated, and shall be stated to apply on the same minimum quantities (or quantity groups) as those on which the base rates apply.

The tariff shall state definitely whether the arbitraries are to be added to, or deducted from, the fares or rates applying from (or to) the base points (for example, it may provide in effect that the arbitraries shall be added to the fares or rates applying from (or to) the base points except that those arbitraries bearing a particular reference mark, such as a minus sign (-), shall be deducted from such base fares or rates). In some circumstances, it may be necessary to publish a zero amount "0" in the table of arbitraries; in this event, the tariff shall state definitely that the fare or rate applying from (or to) the base point shall also apply from (or to) the point taking the zero amount in the arbitrary table without the addition or deduction of an arbitrary.

25. Amend § 221.59 to read as follows:

§ 221.59 Fares or rates stated in percentages of other fares or rates; other relationships prohibited.

(a) Fares or rates for air transportation of persons or property shall not be stated in the form of percentages,

multiples, fractions, or other relationships to other fares or rates except to the extent authorized in paragraphs (b), (c), (d), and (e) of this section with respect to passenger fares and baggage charges and in Subpart F with respect to property rates.

(b) A basis of fares for refund purposes may be stated, by rule, in the form of percentages of other fares.

(c) Transportation rates for the weight of passengers' baggage in excess of the baggage allowance under the applicable fares may be stated, by rule, as percentages of fares, provided reference is made to a conversion table complying with paragraph (e) of this section for the purpose of determining the amounts of such rates in dollars or cents represented by the published percentages of the fares.

(d) Children's fares, round-trip fares, or other types of fares may be stated, by rule, as percentages of other fares published specifically in dollars and cents (hereinafter referred to as base fares): *Provided, That:*

(1) Fares stated as percentages of base fares shall apply from and to the same points, via the same routes, and for the same class of service and same type of aircraft to which the applicable base fares apply, and shall apply to all such base fares in a fares tariff or designated section or table of a fares tariff except that:

(i) If the base fares are published for account of two or more participating carriers, such percentage fares may be restricted to apply for account of only certain participating carriers. If such carriers participate in joint base fares, the extent to which such restricted percentage fares apply to the joint base fares shall be clearly indicated.

(ii) If the base fares are named between points in the United States and points in foreign countries, such percentage fares may be restricted to apply between (or from and to) designated countries or larger definite geographic areas.

(2) Fares shall not be stated as percentages of base fares for the purpose of establishing fares applying from and to points, or via routes, or on types of aircraft, or for classes of service different from the points, routes, types of aircraft, or classes of service to which the base fares are applicable.

(3) Fares stated as percentages of base fares shall refer to a conversion table complying with paragraph (e) of this section for the purpose of determining the amounts of such fares in dollars and cents represented by the published percentages of the base fares.

(e) (1) A conversion table shall be published in the fares section of the tariff containing the base fares or, if that tariff is governed by a rules tariff, the table may be published after the last rule therein. The conversion table shall contain in the first column, in numerical order ranging from the lowest to the highest amounts, the amounts of all the base fares on which the percentages are to be applied. Each of the other columns shall be captioned with a percentage corresponding to a percentage in which a fare is stated. In each of the percentage-captioned columns and di-

rectly opposite each base fare, the amount in dollars or cents represented by the stated percentage of the respective base fare shall be shown. Such columns shall be arranged in numerical order (according to percentages). A clear and definite explanation of how to use the conversion table shall be shown in connection therewith.

(2) Instead of showing in the first column all base fares from the lowest to the highest, the table may contain in the first column \$.05 and all multiples thereof to an including \$1.00 and all multiples of \$1.00 to and including \$100.00 with a plainly stated rule for using, in combination, amounts ascertained in the percentage columns for the separate portions of the base fare. The rule shall provide, for example, that if the base fare is \$7.65, the percentages for \$7.00 and \$0.65 are to be ascertained separately and combined.

26. Add a new § 221.64 to read:

§ 221.64 Charter rates and charges.

Charter rates and charges shall be clearly and explicitly stated in dollars or cents per aircraft (specifying the type of aircraft) on a time, mileage or specific point-to-point basis, and shall be indicated to apply on the movement of persons and their baggage and/or the movement of property. Where two or more aircraft of the same type differ substantially in their respective maximum capacities available to the charterer by reason of differences in their interior configuration of passenger or cargo accommodations, different charter rates and charges may be published for such aircraft provided the maximum capacity available to the charterer is definitely stated for each aircraft. This may be done either by stating the maximum capacity in pounds or by specifically describing the configuration of the passenger and cargo accommodations of each aircraft.

27. Amend § 221.70(a) to read as follows:

(a) All rates for the air transportation of property shall be clearly and explicitly stated in cents or dollars per pound, per 100 pounds, per kilogram, per ton of 2,000 pounds, per ton of 2,240 pounds, per United States gallon, or other definite unit of weight, measurement or value except that:

(1) Charter rates shall be stated as provided in § 221.64.

(2) Rates stated to apply on specific types of animals may be stated in cents or dollars per animal.

28. Add new § 221.71(b) (3) as follows:

(3) All such rates of the same type (class, specific commodity, or general commodity) applying on the same commodities from the same point of origin to the same point of destination via the same route shall be published together on one tariff page or in one tariff item except as otherwise authorized in paragraph (c) of this section.

29. Add new § 221.71(c) as follows:

(c) *Volume rate conversion table.* Rates meeting the requirements of para-

graph (b) of this section may be published in the following manner. Where a rate table names rates subject to a definite minimum weight, for example, "minimum weight 100 pounds," lower rates for greater minimum weights may be published in a separate conversion table substantially in the following form:

TABLE OF VOLUME RATES (in dollars per 100 pounds)

[This table is applicable only in connection with rates subject to minimum weight of 100 pounds which refer hereto for rates applicable to greater minimum weights]

Where the rate subject to minimum weight of 100 pounds is:	The rates for the following minimum weights will be as specified in the respective columns below:				
	Minimum weight in pounds				
	1,000	3,000	5,000	10,000	20,000
4.00-----	3.80	3.60	3.40	3.00	2.80

The particular minimum weights shown in the above form are for illustrative purposes only. Such conversion table shall be published immediately following the table or section naming the applicable base rates, and shall provide that it is applicable only in connection with the base rates which refer to it (substantially as shown in the above form). Each page naming the base rates shall make specific reference to such conversion table for rates applicable to the greater minimum weights provided by the conversion table.

30. Amend § 221.74 and delete § 221.75(e) so that § 221.74 will read as follows:

§ 221.74 General commodity rates and exception ratings thereto.

(a) *General commodity rates.* General commodity rates shall be published under the caption "General Commodity Rates." Such caption shall be shown on each page containing such rates. Each tariff which contains general commodity rates shall contain a rule captioned "Application of General Commodity Rates" which shall provide that the general commodity rates apply on all commodities except those which will not be accepted for transportation under the terms of the tariff or of governing tariffs. Such rule shall be published in the tariff containing the general commodity rates and not in a governing tariff. If it is desired to establish a rate on a particular commodity different from the general commodity rate, an exception rating to the general commodity rate (see paragraph (b) below) or a specific commodity rate (see § 221.75) shall be published on such commodity.

(b) *Exception ratings to general commodity rates.* Exception ratings to general commodity rates may be stated as percentages of general commodity rates applying from and to the same points over the same route or routes provided the following requirements are complied with:

(1) Such exception ratings shall be published under the caption "Exception Ratings to General Commodity Rates (stated as percentages of the General Commodity Rates)". Such caption shall be shown on each page containing the exception ratings.

(2) Such exception ratings shall be published in numbered items in the same tariff naming the general commodity rates to which they are exceptions, and shall follow the general commodity rates and precede specific commodity rates (if published therein) in the order of the tariff's contents.

(3) Such exception ratings shall be published to apply only on specific articles or commodities which shall be named directly in connection with the applicable exception ratings.

(4) Each exception rating shall be stated as a single percentage of the general commodity rates for all quantities on which the general commodity rates apply. However, where the general commodity rates vary according to the different quantities on which they apply, exception ratings may be stated as percentages of one or more of such general commodity rates provided the quantities to which the exception ratings apply are specifically stated.

(5) Such exception ratings shall not be published unless they are to apply from and to or between all of the points for which general commodity rates are provided in the tariff or in a designated table or section of the tariff except:

(i) If the tariff names general commodity rates for account of two or more carriers, such exception ratings may be restricted to apply for account of only certain carriers. If the tariff names joint general commodity rates in which such carriers participate, the tariff shall clearly indicate the extent to which such restricted exception ratings apply in connection with the joint general commodity rates.

(ii) If the tariff names general commodity rates between points in the United States and points in foreign countries, such exception ratings may be restricted to apply between (or from and to) designated countries or larger, definite geographic areas.

(6) Such exception ratings shall refer to a conversion table in the same tariff complying with subparagraph (7) of this paragraph for the purpose of determining the rates in cents or dollars represented by the exception rating percentages of the general commodity rates.

(7) A conversion table shall be published immediately following such exception ratings. The conversion table shall contain in the first column, in numerical order ranging from the lowest to the highest amounts, the amounts of all of the base general commodity rates on which the percentages are to be applied. Each of the following columns shall be captioned with a percentage corresponding to a percentage in which an exception rating is stated. In each of the latter columns and directly opposite each base rate, the amount in cents or dollars represented by the stated percentage of the respective base rate shall be shown. Such columns shall be arranged in numerical order (according to percentages). A clear and definite explanation of how to use the conversion table shall be shown in connection therewith. Instead of showing in the first column all base general commodity rates from the lowest to the highest, the table may contain in the first column all amounts from

\$0.01 to \$1.00 and all multiples of \$1.00 to and including \$50.00 with a plainly stated rule for using in combination amounts ascertained in the percentage column for separate portions of the general commodity rate. The rule must provide, for example, that if the general commodity rate is \$2.77, the percentages for \$2.00 and \$0.77 are to be ascertained separately and combined.

31. Amend the introductory text of § 221.75(d) to read as follows (no change in subparagraphs (1), (2) and (3)):

(d) *Commodity descriptions published separately from rates when latter arranged alphabetically by points.* When all specific commodity rates in a tariff are published in tabular form and all points of origin and destination are arranged alphabetically in conformance with § 221.37(b) (1) through (4) throughout the table of specific commodity rates, the commodity descriptions applicable to such rates may be published separately provided the following requirements are complied with:

31a. Delete § 221.75(e) in its entirety.

32. Amend § 221.76 to read as follows:

§ 221.76 Precedence of authorized types of rates.

(a) *Exception ratings to general commodity rates versus general commodity rates.* When both general commodity rates and exception ratings to general commodity rates (stated as percentages of the general commodity rates) are published to apply from and to the same points via the same routes, the tariffs containing such rates and exception ratings (or their governing rules tariffs) shall contain a rule reading as follows:

An exception rating to the general commodity rate, stated as a percentage of the general commodity rate, removes the application of the general commodity rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

(b) *Specific commodity rates versus general commodity rates and exceptions to general commodity rates.* When specific commodity rates, general commodity rates and exception ratings to general commodity rates (stated as percentages of the general commodity rates) are published to apply from and to the same points via the same routes, the tariffs containing such rates and exception ratings (or their governing rules tariffs) shall contain a rule reading as follows:

A specific commodity rate removes the application of the general commodity rate and the exception rating to the general commodity rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

If no exception ratings to general commodity rates are published, the phrase "and the exception rating to the general commodity rate" shall be omitted from the above rule.

(c) *Specific commodity rates versus class rates.* When both specific commodity rates and class rates are published to apply from and to the same points via the same routes, the tariffs

containing such rates (or their governing rules or classification tariffs) shall contain a rule reading as follows:

A specific commodity rate removes the application of the class rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

(d) *Prescribed rules in forwarder tariffs.* When the rules prescribed in this section are published in tariffs of Air Freight Forwarders or International Air Freight Forwarders, the phrase "over the same route" shown in the prescribed rules shall be omitted from the rules published in such tariffs.

33. Add new § 221.80 reading as follows:

§ 221.80 Rate scale method of publishing rates.

(a) *When to be used.* In lieu of publishing the points of origin and destination directly in connection with the rates as required by section 221.52(a), the rate scale method of publication may be employed in the manner authorized by either paragraph (b) or (c) hereof. The rate scale method will normally reduce the volume of publication where a rate tariff names numerous points of origin and destination for class rates, general commodity rates or rates on one specific commodity (or one group of specific commodities taking the same rates) and the same rate or rates apply in many instances between different points of origin and destination. Where such conditions do not exist, the rate scale method shall not be used and the points of origin and destination shall be shown directly in connection with the rates as required by section 221.52(a) which results in a more simplified tariff format. When the rate scale method authorized by this section is employed, the volume rate conversion table method of publication under section 221.71(c) shall not be used.

(b) *Rate scale method without zone numbers.* The rate scale method without zone numbers consists of publishing two tables, namely, (1) a table of rate scale numbers showing the rate scale number applicable between each point of origin and each point of destination and referring to a table of rates to determine the applicable rates for the respective rate scale numbers, and (2) a table of rates listing such rate scale numbers (in numerical order) and showing the applicable rates for each rate scale number. Such tables shall conform to the following requirements:

(1) *Table of rate scale numbers.* The table of rate scale numbers shall be published immediately preceding the table of rates. The points of origin and destination shall be arranged in alphabetical order in the table of rate scale numbers which shall show the rate scale number applying from each point of origin to each point of destination (or applying between such points). All such pairs of points taking the same rates shall be assigned the same rate scale number. The heading on each page of the table shall refer to the table of rates substantially in the following manner: "To determine rates for the applicable rate scale number, refer to Section -----."

(2) *Table of rates.* The rate scale numbers shall be arranged in the table of rates in numerical order (from lowest to highest) and the rates for each rate scale number shall be shown directly in connection with the respective rate scale number. The lowest rate scale number shall be assigned to the scale of lowest rates, with higher rate scale numbers assigned progressively to higher rates. The rates shall conform to all requirements of this part. The heading on each page of the table shall refer to the table of rate scale numbers substantially in the following manner: "To determine the applicable rate scale number, refer to Section -----."

(c) *Rate scale method with zone numbers.* The rate scale method with zone numbers may be used where, in addition to the rate situations mentioned in paragraph (a) hereof, the points of origin and destination fall into zones with all points in each zone taking the same rates (common rated points). It shall not be used where such common rated points are not extensive, or where the method of publishing common rated points authorized by section 221.52(b) is used. The rate scale method with zone numbers consists of three parts, namely, (1) an alphabetical index or list of origin and destination points showing the rate zone number assigned to each point, (2) a table of rate scale numbers showing the rate scale number applicable between each pair of zone numbers (arranged in numerical order in headline and sideline format), and (3) a table of rates which lists the rate scale numbers (in numerical order) showing the applicable rates for each rate scale number. Such tables shall conform to the following requirements:

(1) *Alphabetical index or list of points showing zone numbers.* A zone number shall be assigned to each and every point of origin or destination. Points taking the same rates shall be assigned the same zone number. Such zone numbers shall be published in a column captioned "Zone Number" in the index of points or, if the tariff contains no index of points, in an alphabetical list of origin and destination points placed immediately preceding the table of rate scale numbers. The heading of each page of such index or list of points shall refer to the table of rate scale numbers substantially in the following manner: "To determine applicable rate scale numbers, refer to Section -----."

(2) *Table of rate scale numbers.* The table of rate scale numbers shall be published immediately preceding the table of rates. The zone numbers assigned to the points of origin and destination shall be arranged in numerical order in headline and sideline format in the table of rate scale numbers which shall show the rate scale number applying between each headline zone number and each sideline zone number (or from each headline zone number to each sideline zone number, or in the reverse direction). All such pairs of zone numbers taking the same rates shall be assigned the same rate scale number. The heading on each page of the table shall refer to the index or list of points substantially in the following manner: "To determine the zone numbers of the points of origin and destination, refer to Section -----", and shall also refer to the table of rates substantially in the following manner: "To determine rates for the applicable rate scale number, refer to Section -----."

(3) *Table of rates.* The table of rates shall conform to the requirements of subparagraph (b) (2) of this section.

(d) *Routing.* When the rate scale method of publication makes it impossible to show comprehensively the required routing provisions directly in connection with the rates in accordance with section 221.41, such routing provisions shall be shown directly in connection with each respective rate scale number in the table of rate scale numbers. If the routing provisions cannot be indicated comprehensively under the above methods, the rate scale method of publication shall not be used.

34. Amend § 221.100(c) to read as follows:

(c) *Participation in governing tariffs.* A rate tariff or a fare tariff may refer to a separate governing tariff authorized by this subpart only when all carriers participating in such rate tariff or fare tariff are also shown as participating carriers in the governing tariff: *Provided, That:*

(1) If such reference to a separate governing tariff does not apply for account of all participating carriers and is restricted to apply only in connection with local or joint rates or fares applying over routes consisting of only particular carriers, only the carriers for whom such reference is published are required to be shown as participating carriers in the governing tariff to which such qualified reference is made.

(2) If a tariff naming joint rates via air carriers in conjunction with surface carriers (common carriers subject to the Interstate Commerce Act) makes reference to a separate governing tariff (filed with the Board under authority of § 221.103) for charges and other provisions covering pick-up, delivery or transfer services performed only by the air carrier participants in such joint rates, the surface carrier participants in such joint rates are not required to be shown as participating carriers in such governing pick-up, delivery or transfer services tariff.

35. Amend § 221.111(e) to read as follows:

(e) *Cancellation of omitted matter.* If a rate, fare, rule or other tariff provision on a page is to be canceled entirely and is not to be transferred to another page of the same tariff, the revised page which effects such amendment shall specifically show the cancellation of such provisions and identify the provisions to be canceled. For example, if a rule is canceled, the number and caption of the rule shall be brought forward on the new page but the body of the rule shall be omitted and, in lieu thereof, a statement that the rule is canceled shall be shown; or, if a fare is to be canceled, the points of origin and destination shall be brought forward on the new page but the fare shall be omitted and, in lieu thereof, a statement that the fare is canceled shall be shown. Alternatively, such cancellation (but not transfer of matter to another page) may be accomplished by omitting the matter to be canceled, provided that a footnote at the bottom of the revised page specifically identifies the matter to be canceled and directs its cancellation. All of the foregoing cancellation shall be omitted from subsequent revisions of the revised page which effected the cancellation.

36. Amend § 221.111(g) to read as follows:

(g) *Cancellation of participating carrier.* When a participating carrier is canceled by a revised page, the fares (or rates) and other provisions of the tariff insofar as they apply in connection with such carrier shall be canceled at the same time, by either of the following methods:

(1) Such cancellation shall be accomplished by revising the particular pages containing the fares (or rates) and other provisions applying in connection with the canceled participating carrier, or

(2) Such cancellation shall be accomplished by publishing the following statement (following the list of participating carriers) which shall be referred to in connection with the elimination of the carrier from the list of participating carriers:

PARTICIPATING CARRIER CANCELLATION

(Name of canceled participating carrier) eliminated as participating carrier in this tariff and all rates (or fares) and other provisions published in connection with that carrier canceled effective ----- by ----- Revised Page -----

If the eliminated carrier is designated by abbreviation or carrier number in the tariff, show the carrier abbreviation or number in parentheses immediately following the carrier's name in the above statement. Also, in the above statement, show the effective date of the carrier's elimination as a participating carrier and the revised page on which the above statement is initially published. Such cancellation statement shall be brought forward on subsequent revisions of the page until such time as specific cancellation of all rates, fares and other provisions in connection with the eliminated carrier has been accomplished by revising the pages affected. Such specific cancellation shall be fully accomplished not later than 180 days after the effective date of the cancellation of the carrier's participation.

37. Amend § 221.113 by revising paragraph (c) (3) (ii) and adding a new paragraph (c) (3) (iii). As revised, § 221.113(c) (3) (ii) and (iii) will read as follows:

(ii) If the publication to which the provisions are transferred is a new tariff (issued by an agent or carrier other than the issuing agent or carrier of the former tariff), the new tariff shall bear the following notation "(see notice on page ----- hereof)" in the upper right hand corner of the title page (immediately below the C.A.B. number and any cancellation thereunder) and the notice referred to shall be shown following the

table of contents and shall read substantially:

NOTICE

Rates (or fares, rules, etc.), herein applying (briefly identify transferred rates, etc.) were formerly published in C.A.B. No. _____ issued by _____.

(iii) If the transferred provisions are added by supplement, revised page or original page to an existing tariff (issued by the same or different issuing carrier or agent), reference to the former tariff shall be shown in connection with the added provisions in such supplement, revised page or original page and such reference shall read substantially:

These rates (or fares, rules, etc.) were formerly published in C.A.B. No. _____ issued by _____.

38. Amend § 221.160(b) to read as follows:

(b) *When single publication contains changes effective on different dates.* Each tariff, supplement, or loose-leaf tariff page which contains various changes to become effective on different dates shall:

(1) Bear a general effective date which shall allow at least thirty days' notice,

(2) Show directly in connection with such general effective date the following notation: "(except as noted)",

(3) Show in connection with each change which is to become effective earlier or later than such general effective date, its specific effective date which shall allow at least thirty days' notice unless the Board authorizes the change to be filed on less notice,

(4) When matter is authorized by the Board to be filed on less than thirty days' notice, show reference to the Board's order, regulation, or special tariff permission authorizing such filing. Such reference shall be shown (immediately following the specific effective date of such matter) in the manner required by the order, regulation, or special tariff permission, for example:

Effective: _____ Issued on _____ days' notice under Special Tariff Permission No. _____ of the Civil Aeronautics Board. (See also § 221.194.)

39. Amend § 221.190 to read as follows:

§ 221.190 Grounds for approving or denying Special Tariff Permission applications.

(a) *General authority.* The Board is authorized, when actual emergency or real merit is shown, to permit changes in rates, fares, or other tariff provisions on less than the thirty days' notice required by section 403 of the Act.

(b) *Grounds for approval.* The following facts and circumstances constitute some of the grounds for approving applications for Special Tariff Permission in the absence of other facts and circumstances warranting denial:

(1) *Clerical or typographical errors.* Clerical or typographical errors in tariff publications constitute grounds for approving applications for Special Tariff Permission to file on less than thirty days' notice the tariff changes necessary to correct such errors. Each application for Special Tariff Permission based on such grounds shall plainly specify the

errors and contain a complete statement of all the attending facts and circumstances, and such application shall be presented to the Board with reasonable promptness after issuance of the defective tariff publication.

(2) *Rejection caused by clerical or typographical errors or illegibility.* Rejection of a tariff publication caused by illegible printing (in matter reissued without change) or by clerical or typographical errors constitutes grounds for approving applications for Special Tariff Permission to file on less than thirty days' notice, effective not earlier than the original effective dates in the rejected publication, all changes contained in the rejected publication but with the errors corrected. Each application for the grant of Special Tariff Permission based on such grounds shall plainly specify the errors and contain a complete statement of all the attending facts and circumstances, and such application shall be filed with the Board within three days after receipt of the Board's notice of rejection.

(3) *Incorrect page cancellation caused by rejection of prior issue.* When a revision of a loose-leaf page bears incorrect page cancellation because it was submitted prior to receipt of the notice of rejection of a prior issue of such page, such circumstances constitute grounds for approving an application for Special Tariff Permission to file amendments on less than thirty days' notice for the purpose of effecting adjustment of the page cancellation and to show "(Issued in lieu of _____ rejected by C.A.B.)" to be made effective on the effective date of the revision bearing the incorrect page cancellation.

(4) *Newly authorized transportation.* The fact that the Board has newly authorized a carrier to perform air transportation constitutes grounds for approving applications for Special Tariff Permission to file on less than thirty days' notice the fares, rates, and other tariff provisions covering such newly authorized transportation.

(c) *Competition not grounds for approval.* The desire to meet rates, fares, or other tariff provisions of a competing carrier which have been filed on thirty days' notice will not of itself be regarded as good cause for permitting changes in rates, fares, or other tariff provisions on less than thirty days' notice.

(d) *Filing notice required by formal order.* When a formal order of the Board requires the filing of tariff matter or publications on a stated number of days' notice, an application for Special Tariff Permission to file on less notice will not be approved. In any such instance a petition for modification of the order should be filed in the formal docket.

40. Delete existing § 221.190(e) and add a new § 221.191(c) to read as follows:

(c) *Who may make application.* Applications for Special Tariff Permission to file rates, fares, or other tariff provisions on less than thirty days' notice shall be made only by the issuing carrier or agent authorized to issue and file the proposed tariff publication. Such application by the issuing carrier or agent will constitute application on behalf of all

carriers participating in the proposed rates, fares, or other tariff provisions.

41. Amend § 221.191 by adding a new paragraph (d) to read as follows:

(d) *More than one tariff.* Where the same special circumstances or unusual conditions are relied upon as justifying Special Tariff Permission involving amendments of more than one tariff, the applicant may file one application covering the proposed amendments of all tariffs involved or an individual application for each tariff involved. Since one tariff may present a problem not encountered in the other tariffs, the filing of individual applications may preclude delay in the processing of applications other than the one with respect to the tariff to which the problem pertains. Passenger tariff amendments shall not be included in the same application with property tariff amendments.

42. Add a new § 221.193 to read as follows:

§ 221.193 Re-use of Special Tariff Permission when publication is rejected.

If a tariff publication containing matter issued under Special Tariff Permission is rejected, the same Special Tariff Permission may be used in a tariff publication issued in lieu of such rejected publication provided that such re-use (1) is not precluded by the terms of the Special Tariff Permission, and (2) is made within the time limit thereof.

43. Add § 221.194 reading as follows:

§ 221.194 Reference to Special Tariff Permission on tariff publications.

The terms of Special Tariff Permissions require that tariff publications filed pursuant thereto shall bear reference to the Special Tariff Permission substantially in the following form:

Issued on _____ days' notice under Special Tariff Permission. No. _____ of the Civil Aeronautics Board.

At the election of the publisher, the Board's Special Tariff Permission number may be omitted from such notation on the tariff publication provided that:

(a) The Special Tariff Permission number is shown in the letter of tariff transmittal in connection with the listed tariff publication containing matter issued under such permission, and

(b) The Special Tariff Permission application number of the issuing carrier or agent is shown in the notation on the tariff publication in the following manner:

Issued on _____ days' notice under Special Tariff Permission of the Civil Aeronautics Board. (Appn. No. _____)

Publishers should elect to omit the Special Tariff Permission number from the tariff publication only when publication and filing will be expedited since it is preferable that the Special Tariff Permission number be shown on the tariff publication.

44. Amend § 221.223 by redesignating paragraphs (d), (e), (f), and (g) as paragraphs (e), (f), (g), and (h), respectively, and adding a new paragraph (d) as follows:

(d) *Revised title pages to be filed by alternate.* Simultaneously with the filing of take-over supplements pursuant to § 221.223(c), the alternate agent shall file, on lawful notice, a revised title page to each effective loose-leaf tariff of the principal agent for the purpose of specifically showing the name and title of the alternate agent in lieu of the principal agent's name and title wherever the latter appears on the title page.

45. Amend § 221.224 by redesignating current paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f), respectively, and adding a new paragraph (c) as follows:

(c) *Revised title pages to be filed by new principal agent.* Simultaneously with the filing of take-over supplements pursuant to § 221.224(b), the new principal agent shall file, on lawful notice, a revised title page to each effective loose-leaf tariff of the former agent for the purpose of specifically showing the name and title of the new principal agent in lieu of the former agent's name and title wherever the latter appears on the title page.

46. Amend § 221.231 to read as follows:

§ 221.231 Adoption supplements and revised title pages to be filed to former carrier's tariffs.

At the same time that the adoption notice is issued, posted, and filed pursuant to § 221.230, the adopting carrier shall issue, post and file with the Board:

(a) A consecutively numbered supplement to each effective tariff (loose-leaf or book) issued by the former carrier which shall be prepared in accordance with the form set forth in § 221.247 and shall contain no matter other than that required by the prescribed form, and

(b) A revised title page, on lawful notice, to each effective looseleaf tariff issued by the former carrier for the purpose of specifically showing the name of the adopting carrier in lieu of the former carrier's name wherever the latter appears on the title page.

47. Amend reference (4) to § 221.240 (b) to read as follows:

(4) Omit the paragraph if no carriers other than the issuing carrier participate in the publication filed. Omit the clause beginning with the word "except" if all concurrences or powers of attorney have been previously filed with the Board.

48. Amend reference (4) to § 221.241 (b) to read as follows:

(4) Show the tariff publication(s) in which the proposed provisions will be published and the publication(s) to be canceled thereby, using whichever of the following forms of reference is appropriate:

(i) "----- Revised Page ----- (which will cancel Original Page ----- or Revised Page -----) of C.A.B. No. -----" (Or, in lieu of the above form of reference) "Consecutive revision(s) of page(s) ----- of C.A.B. No. -----"

(ii) "Original Page(s) ----- to be added to C.A.B. No. -----"

(iii) "Consecutively numbered supplement (which will cancel Supplement No. -----) to C.A.B. No. -----"

(iv) "New tariff C.A.B. No. ----- which will cancel tariff C.A.B. No. -----"

49. Amend reference (6) to § 221.243 (b) to read as follows:

(6) If the carrier is a corporation (or similar entity), the revocation shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and its concurrence which is being revoked does not bear such attestation and seal, the revocation of such concurrence is not required to bear such attestation and seal.

50. Amend reference (8) to § 221.244 (b) to read as follows:

(8) If the carrier is a corporation (or similar entity) the power of attorney shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and, under the laws of the carrier's native country, such seal and attestation are not required to authenticate the document, affixing the seal and attesting the document is not required, provided that such carrier or its agent certifies to the Board in writing that the laws of the carrier's native country do not require such attestation and seal to authenticate such powers of attorney.

51. Amend reference (7) to § 221.245 (b) to read as follows:

(7) If the carrier is a corporation (or similar entity), the revocation shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and its power of attorney which is being revoked does not bear such attestation and seal, the revocation of such power of attorney is not required to bear such attestation and seal.

In Part 385:

52. Amend § 385.15(a) of the Board's Organization Regulations to read as follows:

(a) Reject any tariff, supplement, or revised page which is filed by any United States air carrier or by any foreign air carrier, and which is subject to rejection because it is not consistent with section 403 of the Act or with Part 221 of the Board's Economic Regulations (14 CFR Part 221). Where a tariff, supplement or loose-leaf page is filed on more than sixty days' notice and is not rejected within the first thirty days commencing with and counting the filing date, it shall not be rejected after such thirty-day period under this delegated authority unless the issuing carrier or agent is given an opportunity to remove the cause for rejection by the effective date, upon Special Tariff Permission if necessary, and fails to take such corrective action.

53. Amend § 385.53 to read as follows: § 385.53 Review by the staff.

Where a petition for review is duly filed, the staff member may, upon consideration of all documents properly filed, reverse his decision. Except in the case of hearing examiners, action taken by a staff member other than a bureau director or office head may be reversed by the respective bureau director or office head who is in the supervisory chain of command with respect to the staff member who took the initial action. If the initial action is reversed,

the petition for review will not be submitted to the Board. Staff action reversing the initial action shall be subject to petition for Board review as any other staff action.

[F.R. Doc. 64-3173; Filed, Apr. 1, 1964; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 1 [New], 61 [New]]

[Reg. Docket No. 4081; Notice 64-18]

BIENNIAL EXPIRATION AND RENEWAL OF FLIGHT INSTRUCTOR CERTIFICATES AND INCREASED SUPERVISION OF STUDENT PILOT ACTIVITIES

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Parts 1 [New] and 61 [New] of the Federal Aviation Regulations to provide for higher standards of flight instruction and more control over student pilot activities.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before June 15, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Proper and sufficient flight instruction is a very important factor in general aviation safety. Habits and practices acquired by a pilot during his training as a student pilot affect the safety with which his later piloting activities are conducted. This is also true with respect to training for pilot certificates above the private grade. Moreover, a review of accident reports involving student pilots shows that, in many cases, a lack of control and supervision of the student's activities was a direct contributing factor. Therefore, the Agency is of the opinion that higher standards of flight instruction and more control over student pilot activities are essential if the goal of increased safety in general aviation is to be achieved. In view of these considerations, it is proposed to amend Parts 1 [New] and 61 [New] as follows:

1. Delete the definition of "Dual instruction" now contained in Part 1 [New].

2. Make clear the intent of the regulations that only the holder of a flight instructor certificate issued by the Administrator with an appropriate rating on his flight instructor certificate may (except as otherwise specifically provided) give the flight instruction required by

the regulations, endorse a pilot logbook to show that he has given any flight instruction, or endorse a student pilot certificate. Since present § 61.177(b) contains the same limitation, i.e., "with an appropriate rating," with regard to instructing only in the category in which the flight instructor is rated, it is unnecessary and is not included in this proposed revision of Subpart F.

This proposal refers only to flight instruction required by the regulations. It does not prohibit lighter-than-air flight instruction or instruction in air transportation service, both of which are now specifically permitted by the regulations.

3. Revise the practical test for a flight instructor certificate or rating to place more emphasis on the applicant's ability to give flight instruction, rather than the applicant's ability to fly. The flight instructor is primarily a teacher when he is giving instruction, and he must demonstrate his ability to teach before he is certificated by the Administrator as a flight instructor.

4. Require an applicant for a flight instructor certificate with an airplane rating to meet the ICAO night and instrument requirements for a commercial pilot. He must also hold a category or instrument rating, as appropriate to the rating sought, on his pilot certificate before obtaining that rating on his flight instructor certificate. This will insure that a flight instructor has satisfied the requirements of the certificates and ratings for which he is authorized to train and recommend applicants for flight tests.

5. Require a certificated flight instructor to keep comprehensive records of flight instruction given, recommendations for testing, and certain logbook endorsements.

6. Require that flight instructor certificates be renewed every 24 months. If a certificate expires, and has not been renewed, the flight instructor may not continue to exercise the privileges of that certificate. This proposal is not the same as present § 61.177(c) which requires that a flight instructor must have given 10 hours of flight instruction within the last 12 months, or show continued proficiency to the Administrator. The Agency proposes to delete present § 61.177(c) and base renewal, or issue of a certificate to the holder of an expired certificate, on a satisfactory demonstration to the Administrator of the applicant's ability to give flight instruction. However, the Administrator may waive the demonstration if he finds the applicant's record of flight instruction warrants it and that the certificate has not expired.

Proper flight instruction can only be given by instructors who are familiar with current flight training standards and procedures. The requirements of proposed § 61.177 guarantee the Agency, the student, and the public that certificated flight instructors are familiar with these standards and procedures.

7. Require an applicant for a flight test (except for a type rating or when otherwise specifically provided), or for retesting after failure of a flight test, to have a certificated flight instructor's recommendation before taking the flight

test. This will benefit the applicant by insuring that he has had adequate preparation before taking the test, thus reducing the possibility of his failure.

8. Provide that a student pilot may not pilot an airplane or rotorcraft in solo flight unless, within the preceding 90 days, he has received flight instruction in that category of aircraft and has been certified by a certificated flight instructor as competent to solo that category of aircraft.

Under the present regulations, a proficiency flight check by a certificated flight instructor is required of a student pilot only when he has not piloted a powered aircraft within the preceding 90 days. Consequently, if he makes at least one flight every 90 days in any powered aircraft he may operate without contact with a flight instructor for as long as four years since endorsements on a student pilot certificate are transferred (one time only) to a new certificate. Extended periods of operation of this character without a flight instructor's guidance are not conducive to safety nor to the development of good operating practices and procedures by the student pilot. The proposal will also require that the instruction must be in the category of aircraft in which the student is to act as pilot in command, since "powered aircraft" refers to both airplanes and rotorcraft.

9. Prohibit a flight instructor from authorizing a student pilot to make a solo flight without having first endorsed the student's pilot certificate for that privilege unless it has previously been so endorsed by a certificated flight instructor. Present regulations prohibit a student pilot from soloing without a certificated flight instructor's endorsement; however, the regulations do not specifically charge the instructor with the responsibility of making such an endorsement.

This notice of proposed rule making also contains the requirement that the flight instructor may endorse a student pilot certificate for solo or solo cross-country flight only if he determines that the student pilot has complied with §§ 61.63, 61.65, 61.67, 61.69, or 61.71, as applicable, and is otherwise able to make those flights.

10. Require a student pilot to secure an authorization from a certificated flight instructor for each solo cross-country flight, except that under certain prescribed conditions repeated flights over a specified course of not more than 50 miles need not be authorized each time. Records show that many accidents in which student pilots are involved are directly attributable to either attempting flights under poor weather conditions, or attempting flight into or out of unsuitable landing areas. The advice of a flight instructor probably would have prevented many of these accidents. In requiring the student pilot to seek an instructor's guidance before starting each cross-country flight, an opportunity would be provided for developing the student's flying knowledge and judgment, which would also be valuable for his later flying operations.

11. Provide that flight instruction required for soloing in gliders, or to qualify

for a glider pilot certificate or rating, be given only by a flight instructor with a glider rating on his flight instructor certificate. Under present regulations, glider flight instruction may be given by a commercial glider pilot or by the holder of a flight instructor certificate with a glider rating. The frequency of glider flight has increased as the popularity of gliders has increased. The Agency feels that this amendment is necessary to standardize glider flight instruction and the qualifications of those giving the instruction.

Under the proposal, the holder of a commercial pilot certificate with a glider rating could continue to give glider flight instruction for a period of 12 months after the amendment becomes effective. This is to allow for a transition period for glider flight instruction. After that date, the commercial glider pilot may not continue to give glider flight instruction unless he has a flight instructor certificate with a glider rating. Provision would be made for the issue of a flight instructor certificate with a glider rating to a commercial glider pilot upon a showing that he has given at least 10 hours of flight instruction as a commercial glider pilot within the 12 months preceding the effective date of this proposed amendment. If the holder of a flight instructor certificate so issued later wished to qualify for an additional rating on that certificate, he would have to show by satisfactory evidence that he has successfully completed the written test specified by proposed § 61.171(a) as well as the requirements of proposed § 61.178.

Provision would also be made for the holder of a current flight instructor certificate to secure a glider rating on that certificate upon a showing that he has given at least 10 hours of flight instruction as a commercial glider pilot within the 12 months preceding the effective date of this amendment.

Adoption of the proposals contained herein would, by requiring the flight instructor to reestablish his competence at periodic intervals, enable him to maintain higher standards of instruction. It would also give him added responsibilities since he would be given more control over his students' activities, and in return he would be expected to develop better qualified applicants for pilot certificates and ratings. The proposed changes should result in increased safety in student and private pilot operations. They have been discussed at the Air-Share meetings and on other occasions with representatives of industry.

This notice of proposed rule making is issued under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

In consideration of the foregoing, it is proposed to amend Parts 1 [New] and 61 [New] of the Federal Aviation Regulations as follows:

§ 1.1 [Amended]

1. By striking out the term "Dual instruction" and its definition in § 1.1 of Part 1.

2. By redesignating paragraphs (d) and (e) of § 61.3 of Part 61 as para-

graphs (e) and (f), respectively, and adding new paragraph (d) reading as follows:

§ 61.3 Certificates and ratings required.

(d) *Flight instructor or limited flight instructor certificate.* Except in the case of lighter-than-air flight instruction or as otherwise specifically provided, no person other than the holder of a flight instructor or limited flight instructor certificate issued by the Administrator with an appropriate rating on that certificate may—

(1) Give any of the flight instruction required to qualify for a solo flight, solo cross-country flight, or for the issue of a pilot or flight instructor certificate or rating;

(2) Endorse a pilot logbook to show that he has given any flight instruction; or

(3) Endorse a student pilot certificate.

Notwithstanding any other provision of this part, the holder of a commercial pilot certificate with a glider rating that was valid on [the effective date of this amendment] may exercise the privileges of the holder of a flight instructor certificate with a glider rating on that certificate until [12 months from the effective date of this amendment].

3. By amending § 61.9(b) to read as follows:

§ 61.9 Duration of certificates.

(b) *Flight instructor certificates.* (1) A limited flight instructor certificate expires at the end of the 24th month after the month in which it was issued, but may be exchanged for a flight instructor certificate under § 61.176.

(2) A flight instructor certificate issued before [the effective date of this amendment] expires at the end of the holder's next birth month following [one year from the effective date of this amendment], but the holder thereof may obtain another certificate under § 61.177.

(3) A flight instructor certificate issued or renewed after [the effective date of this amendment] expires at the end of the 24th month after the month in which it was issued or renewed, but the holder thereof may obtain another certificate under § 61.177.

(4) A flight instructor certificate is effective only while the holder has a current pilot certificate as prescribed in § 61.172.

§ 61.17 [Amended]

4. By striking out the words "or a commercial glider pilot" in § 61.17(c).

5. By amending § 61.21 to read as follows:

§ 61.21 Prerequisites for flight tests.

To be eligible for a flight test for a certificate, or an aircraft or instrument rating issued under this part, the applicant must—

(a) Have passed the written test (if required) within the 24 months before the date he takes the flight test;

(b) Have the applicable aeronautical experience prescribed in this part;

(c) Hold a medical certificate appropriate to the certificate he seeks; and

(d) Except when applying for a type rating only, have a written statement from a certificated flight instructor with an appropriate rating on his flight instructor certificate certifying that he has given the applicant flight instruction in preparation for the flight test and considers him ready to take the test.

Notwithstanding paragraphs (a) and (d) of this section, an applicant for an airline transport pilot certificate who, after passing the written test, has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, a United States air carrier or commercial operator, or a United States scheduled military air transportation service, may take the flight test for that certificate as long as he continues in that employment and training program. Paragraph (d) of this section does not apply to an applicant for a lighter-than-air category rating.

6. By amending § 61.27(b) to read as follows:

§ 61.27 Retesting after failure.

(b) *Flight test.* An applicant for a certificate or rating under this Part (other than an airline transport pilot certificate or associated rating or a lighter-than-air category rating) who fails a flight test for that certificate or rating may apply for retesting upon presenting a statement from a certificated flight instructor with an appropriate rating on his flight instructor certificate that he has given additional instruction to the applicant and now considers the applicant ready for retesting.

§ 61.39 [Amended]

7. By striking out the reference "§§ 61.47 or 61.177(c)" in § 61.39(a) and inserting the reference "§ 61.47" in place thereof.

§ 61.63 [Amended]

8. By striking out the words "or a commercial glider pilot" in § 61.63(a) (2) (iii).

9. By striking out the parenthetical expression "(or a commercial glider pilot in the case of gliders)" in § 61.63(a) (3).

10. By striking out the word "and" at the end of § 61.65(b) (5) and adding a new subparagraph (7) reading as follows:

§ 61.65 Airplane operations: Flight area limitations.

(b) * * *

(7) The use of the magnetic compass; and

11. By striking out the word "and" at the end of § 61.67(b) (2) and adding a new subparagraph (4) reading as follows:

§ 61.67 Rotorcraft operations: Flight area limitations.

(4) The use of the magnetic compass; and

12. By amending § 61.69(b) to read as follows:

§ 61.69 Glider operations: Flight area limitations.

(b) He has received flight instruction from a certificated flight instructor with an appropriate rating on his flight instructor certificate in cross-country navigation by reference to aeronautical charts and the magnetic compass; and

13. By striking out the words "or a commercial glider pilot," in § 61.69(c).

14. By amending § 61.73(c) and by adding a new paragraph (d) to § 61.73 to read as follows:

§ 61.73 General limitations.

(c) A student pilot may not operate an airplane or rotorcraft in solo flight unless within the preceding 90 days—

(1) He has received flight instruction in that category of aircraft from a certificated flight instructor with an appropriate rating on his flight instructor certificate;

(2) He has demonstrated to that flight instructor that he is competent to solo that category of aircraft; and

(3) That flight instructor has endorsed in the student's pilot logbook that he has given that flight instruction and found the student competent for solo flight.

(d) A student pilot may not operate an airplane or rotorcraft in solo cross-country flight until a certificated flight instructor with an appropriate rating on his flight instructor certificate has reviewed the flight plan, determined that the student is competent to make the flight, and has so endorsed the student's pilot logbook. The student must carry that logbook on each solo cross-country flight. However, a student pilot may perform repeated solo cross-country flights over a specified course of not more than 50 miles in length, without an endorsement for each flight, if a certificated flight instructor with an appropriate rating on his flight instructor certificate has—

(1) Given him flight instruction over the course in both directions, and in takeoffs and landings at both landing areas involved; and

(2) Found that the student is competent to make flights over the course without an authorization for each flight and has so endorsed the student's pilot logbook.

§ 61.131 [Amended]

15. By striking out the first sentence of § 61.131(d).

16. By amending Subpart F of Part 61 to read as follows:

Subpart F—Flight Instructors

§ 61.170 Eligibility requirements: general.

To be eligible for a flight instructor certificate with an airplane, rotorcraft,

glider, or instrument rating, a person must hold a pilot rating in that category of aircraft, or an instrument rating, as appropriate, and meet the aeronautical knowledge, experience, and skill requirements of this subpart.

§ 61.171 Aeronautical knowledge.

An applicant for a flight instructor certificate must pass a written test on—

- (a) The fundamentals of flight instruction; and
- (b) The performance and analysis of flight training maneuvers appropriate to the instructor rating sought.

§ 61.172 Aeronautical experience.

An applicant for a flight instructor certificate must hold a current—

- (a) Airline transport pilot certificate;
- (b) Commercial pilot certificate without ICAO instrument or night flight limitation endorsements; or
- (c) Private pilot certificate and—
- (1) Meet the aeronautical knowledge, experience, and skill requirements for the issue of a commercial pilot certificate appropriate to the category of aircraft in which he desires to give flight instruction; and
- (2) Meet the ICAO commercial pilot night flight requirements if he seeks an airplane category rating.

§ 61.173 Aeronautical skill.

An applicant for a flight instructor certificate must perform the following procedures and maneuvers with regard to the giving of flight instruction appropriate to the ratings sought:

- (a) *Phase I—Oral and preflight tests.*
 - (1) Flight instructor procedures and responsibilities.
 - (2) Factors, conditions, and principles which control the learning process.
 - (3) Essential elements, objectives, and limitations of a lesson plan.
 - (4) Preparation of a lesson plan for flight instruction for a presolo student who has had little flight instruction or a lesson plan including the use of flight instruments, radio aids, and IFR flight clearances if the applicant is seeking an instrument rating.
- (b) *Phase II—Flight test.*
 - (1) The conduct of the lesson planned under paragraph (a) (4) of this section, with the examining FAA inspector acting as the student.
 - (2) The performance of flight training maneuvers appropriate to the instructor rating sought.

§ 61.174 Flight instructor records.

Each certificated flight instructor shall—

- (a) Sign each person's logbook for each period of flight instruction that he has given that person;
- (b) Record the name of each person to whom he has given flight instruction or whose student pilot certificate he has endorsed as well as the date and type of each flight instruction period or endorsement;
- (c) Record the name of each person for whom he has signed a recommendation for a written or practical test under this part, the kind of test, and the date of recommendation; and

- (d) Keep each record required by paragraphs (b) and (c) of this section separately, or in his logbook, for at least three years.

§ 61.175 Flight instructor ratings on pilot certificates.

A person who has a flight instructor rating endorsed on his pilot certificate may not exercise the privileges of that rating, but may be issued a flight instructor certificate if he passes the appropriate tests prescribed in § 61.173.

§ 61.176 Limited flight instructor certificates.

The holder of a limited flight instructor certificate that was valid on October 31, 1962, may, until it expires, exercise the privileges of the holder of a flight instructor certificate. Before it expires it may be exchanged for a flight instructor certificate with appropriate ratings without further showing of the holder's ability to give flight instruction. If the holder of a limited flight instructor certificate has not exchanged it before it expires, he may obtain a flight instructor certificate with appropriate ratings by demonstrating to the Administrator his continued ability to give flight instruction.

§ 61.177 Renewal of flight instructor certificates.

An applicant for the renewal of an unexpired flight instructor certificate, or for the issue of another certificate if it has expired, shall satisfactorily demonstrate to the Administrator that he is familiar with current flight training standards and procedures and that he is able to give satisfactory flight instruction. However, if the certificate has not expired, the Administrator may waive the demonstration on the basis of the applicant's record of instruction during the 24-month period preceding the date of application.

§ 61.178 Additional flight instructor ratings.

The holder of a flight instructor certificate who applies for an additional rating on that certificate must—

- (a) Hold a pilot rating in that category of aircraft, or an instrument rating, as appropriate to the rating sought; and
- (b) Pass the written and practical tests prescribed by §§ 61.171(b) and 61.173.

The holder of a flight instructor certificate issued under § 61.179(b) must also show by satisfactory evidence that he has passed the written test prescribed by § 61.171(a).

§ 61.179 Special issue of a flight instructor certificate with a glider rating.

If the holder of a commercial pilot certificate with a glider rating shows the Administrator that he has given 10 hours of flight instruction as a commercial glider pilot within the 12 months immediately preceding the date of his application, he is entitled to—

- (a) A glider rating on his flight instructor certificate, if he holds a current flight instructor certificate; or

- (b) A flight instructor certificate with a glider rating.

§ 61.180 Limitations.

(a) A certificated flight instructor may endorse the certificate of a student pilot for solo or solo cross-country flight only if he determines that the student has complied with §§ 61.63, 61.65, 61.67, 61.69, or § 61.71, as applicable, and is otherwise able to make those flights. He may endorse the certificate of a student pilot for flight in a different make or model or aircraft only if he determines that the student can make the flight safely.

(b) A certificated flight instructor may not authorize a student pilot to operate an aircraft in solo flight without first endorsing his student pilot certificate, unless it has previously been endorsed for that privilege by a certificated flight instructor.

(c) A certificated flight instructor may not give more than eight hours of flight instruction a day nor more than 36 hours in any seven-day period.

Issued in Washington, D.C., on March 27, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-3199; Filed, Apr. 1, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket 64-SW-11]

FEDERAL AIRWAY SEGMENT

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 74 is designated in part from Little Rock, Ark., direct to Pine Bluff, Ark. The Federal Aviation Agency is considering the designation of a north alternate to this segment of Victor 74 via the intersection of Little Rock 137° and Pine Bluff 006° True radials.

Air traffic operating between Little Rock and Pine Bluff is presently routed off airways via this route to facilitate the establishment of aircraft on the final approach radials of the respective airports. Designation of the proposed north alternate airway would reduce and simplify air traffic clearance phraseology. In addition, operating time between the two terminals would be reduced by facilitating the establishment of aircraft on the final VOR approach radial to each airport. Aircraft overflying these terminals would continue to be routed via the main airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication